

IN RE: PETITION FOR VARIANCE \* BEFORE THE  
SW/Corner Lilac and Violet Avenues  
(3600 Lilac Avenue) \* ZONING COMMISSIONER  
13th Election District \* OF BALTIMORE COUNTY  
1st Councilmanic District  
  
David V. Bergman, et ux \* Case No. 96-170-A  
Petitioners \*  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 3600 Lilac Avenue, located in the vicinity of Annapolis Road near the Baltimore County/Baltimore City Line in Arbutus. The Petition was filed by the owners of the property, David V. and Lois M. Bergman. The Petitioners seek relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 13.4 feet in lieu of the required front average setback of 20 feet, to permit a side yard setback of 11.4 feet in lieu of the required 25 feet, and, from Sections 1B02.3.C.1 and 303.1.A to permit an open projection with a setback of 0 feet in lieu of the required 18.75 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Lois M. Bergman, property owner, and F. Vernon Boozer, Esquire, attorney for the Petitioners. Appearing in opposition to the request were Garland and Betty Funk, adjoining property owners, who were represented by W. Walter Farnandis, Esquire.

Testimony and evidence offered revealed that the subject property contains approximately 9,712.5 sq.ft. in area, zoned D.R. 5.5, and is

ORDER RECEIVED FOR FILING  
Date 2/9/96  
By [Signature]

MICROFILMED

improved with a two-story dwelling with a one-story shed attached to the rear. a wrap-around addition which is attached to the front and two sides of the dwelling, a detached above-ground swimming pool and two sheds. The Petition was filed in response to a complaint registered with the Department of Permits and Development Management (DPDM) office concerning the wrap-around addition. The subject property is a corner lot located adjacent to the intersection of Lilac and Violet Avenues in an old subdivision known as English Consul Estates.

Mrs. Bergman testified concerning the subject property and the improvements that have been made over the years. She testified that the property is an irregularly shaped rectangular lot and that the house is oriented towards Lilac Avenue. She testified that the original house was built around 1950 and that she and her family have resided therein for approximately the past 10 years. A large structure identified on the site plan as an existing shed was attached to the rear of the house in the 1980s. An above-ground swimming pool with a large detached wood deck surrounding same was later constructed in the rear yard. Also located in the rear yard are two sheds, one of which is to be removed. The major improvement, in terms of size and scope, is the large, wrap-around addition to the first floor of the existing dwelling. As noted above, this addition was attached to three sides of the dwelling, excluding the rear side. Originally, the addition was constructed as a deck. However, a roof was erected over the deck, and later, exterior walls and windows were added. The result of this construction has been to dramatically increase the footprint of the house and interior living space on the first floor. Further, the house is somewhat pyramid shaped, in that the second floor has not been enlarged.

2/9/96  
[Signature]

W. J. [Signature]

Mrs. Betty Funk, who resides on the adjacent property, testified in opposition to the relief requested. Mrs. Funk testified that she and her husband have resided on their property for the past 37 years. They believe that the various additions to the subject site have overwhelmed the property and are entirely inappropriate. They also note that the structure intrudes into the allowable setback which, in their judgment, negatively impacts their property's value.

Due to the unusual nature of the site improvements and the testimony offered, this Zoning Commissioner reviewed a copy of the permit file subsequent to the hearing. That file shows that a permit (No. B175673) was issued to Lois and David Bergman in September, 1993. The permit was personally applied for and paid for by Mrs. Bergman, an employee of Baltimore County. The permit requested approval to construct a "deck with hip roof on front of existing SFD. Also, construct hip roof on existing side decks..."

The construction of a deck with a roof shielding same from the elements is significantly different from completely enclosing the deck to the extent that it becomes part of the interior of the house. It is difficult to have empathy for the Petitioners when Mrs. Bergman apparently misrepresented her ultimate plans when she applied for a building permit.

Also, I conducted a site inspection which confirmed what is shown in the photographs submitted by the Protestants; namely, that the improvements dominate this relatively modest lot. In addition to the many improvements/ structures described above, several automobiles are parked on the lawn and the property contains a significant amount of construction equipment and debris. Apparently, much of this material has littered this lot, undisturbed, for some time. For example, a large pile of mulch in

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Date

By

the front yard was present when I inspected the site on February 1, 1996. This same pile of mulch is seen in one of the photographs presented by Mrs. Funk which was taken during the summer of 1995.

It is not the role of this Zoning Commissioner to determine aesthetics or the manner in which the property should be kept. However, it is obvious that the complaint which led to an inspection of this property by the Zoning Enforcement Division of DPDM and the subsequent filing of this variance Petition was as a result of the condition and appearance of the property.

The consideration of variances in Baltimore County must be in accordance with the provisions of Section 307 of the B.C.Z.R. This statute was comprehensively examined and recently discussed by the Court of Special Appeals of Maryland in Cromwell v. Ward, 102 Md. App. 691 (1995). Within that opinion, the Court determined that the first step in evaluating any variance is to determine the uniqueness or peculiarity of the subject property. An examination of the site shows that same is not particularly unique. Arguably, the site is somewhat unusual in that same is located at an intersection and borders public streets on two sides. However, there are other corner lots of similar size and shape within this subdivision.

The Cromwell opinion also examined the concept of self-inflicted hardship. The Court stated, "Were we to hold that self-inflicted hardships in and of themselves justify variances, we would, effectively not only generate a plethora of such hardships, but we would also emasculate zoning ordinances. Zoning would become meaningless." Page 722. Thus, the fact that the improvements have already been built cannot justify the variance.

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Date


By

This is particularly so since the building permit misrepresented the Petitioner's ultimate plans.

Based upon the standard as enunciated in Cromwell, infra, it is clear that the variance requested here cannot be granted. I am appreciative of the Petitioners efforts to improve their property and expand their living space. However, disregard for the zoning regulations cannot be ignored. The Petitioners are charged with the knowledge of these regulations. In my judgment, they have failed to provide persuasive testimony that the requirements of the ordinance have been met. The variance must, and, therefore, will be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of February, 1996 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 13.4 feet in lieu of the required front average setback of 20 feet, to permit a side yard setback of 11.4 feet in lieu of the required 25 feet, and, from Sections 1B02.3.C.1 and 303.1.A to permit an open projection with a setback of 0 feet in lieu of the required 18.75 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 2/9/96

By [Signature]



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

February 9, 1996

F. Vernon Boozer, Esquire  
614 Bosley Avenue  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
SW/Corner Lilac and Violet Avenues  
(3600 Lilac Avenue)  
13th Election District - 1st Councilmanic District  
David V. Bergman, et ux - Petitioners  
Case No. 96-170-A

Dear Mr. Boozer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

*Lawrence E. Schmidt*  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. & Mrs. David V. Bergman  
3600 Lilac Avenue, Baltimore, Md. 21227

W. Walter Farnandis, Esquire  
5169 Ilchester Woods Way, Ellicott City, Md. 21043

Mr. & Mrs. Garland Funk  
3602 Lilac Avenue, Baltimore, Md. 21227

People's Counsel; Case File

RECEIVED



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-178-A

3600 Lilac Ave

which is presently zoned

DR 5.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1802.3.C1 and 303.1 to allow a front yard setback of 13.4 ft. in lieu of the required front average setback of 20 ft.; from §1802.3.C.1 to allow a side yard setback of 11.4 ft. in lieu of the required 25 ft.; and from §§1802.3.C1 and 303.1A to allow an open projection a 0 ft. setback in lieu of the required 18.75 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To Be Presented at hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink  
on Recycled Paper

Revised 9/5/95

167

ZONING DESCRIPTION FOR: 3600 LILAC AVENUE  
BALTIMORE, MARYLAND 21227

96-170-A

BEING all of Lot Nos. 883 through 885 as situated on the southwest corner of Lilac and Violet Avenues in the subdivision of English Consul Estate, Section A, which plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 3, folio 108A. Said lots containing a total area of 9,712.5 sq. ft., more or less. Also known as 3600 Lilac Avenue and located in the Thirteenth Election District, First Councilmanic District.



CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

96-170-4

District 13d

Posted for: Variates

Date of Posting 11/9/95

Petitioner: Les & Doris Longman

Location of property: 3600 L'oeil Ave

Location of Sign: Facing road way on property being bonded

Remarks: \_\_\_\_\_

Posted by \_\_\_\_\_

Signature

Date of return: \_\_\_\_\_

Number of Signs: 1

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**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, in Towson, Maryland 21204, at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #98-170-A

Item 187

3600 Lila Avenue  
SWC Violat and Lila Avenue  
13th Election District  
1st Councilmanic

Legal Owner(s):

Lois M. Bergman and David V. Bergman  
Hearng. Thursday, November 30, 1995 at 10:00 a.m. in Rm. 118, Old Courthouse.

Variance: to allow a front yard setback of 13.4 feet in lieu of the required front average setback of 20 feet; to allow a side yard setback of 11.4 feet in lieu of the required 25 feet; and to allow an open projection a zero foot setback in lieu of the required 18.75 feet.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 867-3353.

(2) For information concerning the File and/or Hearing, Please Call 867-3381.

11/1/10 Nov. 9 C18976

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 11/10, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/9, 1995.

**THE JEFFERSONIAN,**

*A. H. [Signature]*  
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

DATE 1900 95 ACCOUNT R-001-6150

#167

AMOUNT \$ 85.00

RECEIVED  
FROM:

Lois Berman 96-170-A

FOR:

Residential Jarman

3600 Wilkins Ave \$85.00  
BA 20718474X10-12-75

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

TO: PUTUXENT PUBLISHING COMPANY

November 9, 1995 Issue - Jeffersonian

Please forward billing to:

Lois M. Bergman  
3600 Lilac Avenue  
Baltimore, MD 21227  
887-3269

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-170-A (Item 167)  
3600 Lilac Avenue  
SWC Violet and Lilac Avenue  
13th Election District - 1st Councilmanic  
Legal Owner: Lois M. Bergman and David V. Bergman

Variance to allow a front yard setback of 13.4 feet in lieu of the required front average setback of 20 feet; to allow a side yard setback of 11.4 feet in lieu of the required 25 feet; and to allow an open projection a zero foot setback in lieu of the required 18.75 feet.

HEARING: THURSDAY, NOVEMBER 30, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 6, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-170-A (Item 167)  
3600 Lilac Avenue  
SWC Violet and Lilac Avenue  
13th Election District - 1st Councilmanic  
Legal Owner: Lois M. Bergman and David V. Bergman

Variance to allow a front yard setback of 13.4 feet in lieu of the required front average setback of 20 feet; to allow a side yard setback of 11.4 feet in lieu of the required 25 feet; and to allow an open projection a zero foot setback in lieu of the required 18.75 feet.

HEARING: THURSDAY, NOVEMBER 30, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Lois and David Bergman

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 24, 1995

Mr. and Mrs. David V. Bergman  
3600 Lilac Avenue  
Baltimore, Maryland 21227

RE: Item No.: 167  
Case No.: 96-170-A  
Petitioner: D. V. Bergman

Dear Mr. and Mrs. Bergman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 27, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, circular official stamp.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: November 21, 1995

FROM: Pat Keller, Director, OP *A*

SUBJECT: 3600 Lilac Avenue

(AMENDED COMMENT)

INFORMATION:

Item Number: 167 A

Petitioner: Bergman Property

Property Size: \_\_\_\_\_

Zoning: DR-5.5

Requested Action: Variance

Hearing Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided and a site visit, this office offers the following comment.

The Petitioners applied for a building permit on September 10, 1993 in order to "construct a deck with hip roof in front of existing single family detached dwelling." Building plans were waived and the permit application was approved by the Zoning Office. The Planning Office cannot explain why the Zoning Office approved the permits for the project in 1993 and then later cited the Petitioners with a violation in 1995.

Upon completion of the deck, the Petitioner enclosed the structure without appropriate permits. The enclosure increased the scale and bulk of the house to the point of total incompatibility with adjacent homes.

Since it is clear the need for the variances is based on a self imposed hardship, staff can see no justification for the granting of the subject request, and therefore, recommends that the applicants' variance be denied.

Should the Petitioners' request be granted, however, it is recommended that documentation be provided that the noted proposals which appear on the "Plat to Accompany Petition" have occurred. Specifically these proposals reflect the following:

- removal of a 10' section of deck near the pool area
- conversion of existing shed at rear of house into a garage with driveway

RECEIVED

TO: Arnold Jablon, Director, PDM  
FROM: Arnold F. "Pat" Miller, III, Director, OP

- construction of the proposed privacy fence (board on board is recommended)
- that the pool be permanently detached from the house.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary Kerns

PK/JL

ITEM167A/PZONE/ZAC1



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: Nov. 6, 1995  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for November 6, 1995  
Items 163, 165, 166, 167, 168, and 169 *S*

The Development Plans Review Division has reviewed  
the subject zoning items and we have no comments.

RWB:sw

MICROFILMED

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 10/30/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF OCT. 30, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.

IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 161, 162, 163, 165, 166, 167, 168, 169 & 171.

REVIEWER: LT. ROBERT P. BAUERWALD  
Fire Marshal Office. PHONE 887-4221. MS-11025

cc: File

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: October 31, 1995

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 161, 162, 163, 164, 165, 167, 168, 169, and 171<sup>8</sup>

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

10-25-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 167 (CAM)

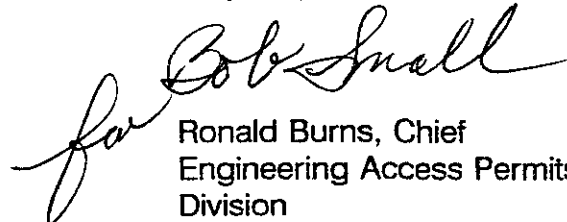
Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

DAVID V. BERGMAN \*  
LOIS BERGMAN  
3600 Lilac Ave.  
English Consul \*  
Baltimore Co., Md.

THE ZONING BOARD  
OF BALTIMORE COUNTY

Petition for Variance \*

\* \* \* \* \*

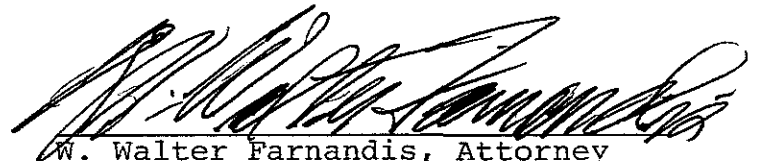
ENTRY OF APPEARANCE

Kindly enter my appearance for two of the protesters  
to the above application for variance.

We will have two people who wish to testify namely:

Margaret Miller, President of the Greater Baltimore  
Highland Community Association.

Mrs. Betty Funk, 3602 Lilac Ave. Baltimore Co., Md.  
next door neighbor.



W. Walter Farnandis, Attorney  
5169 Ilchester Woods Way  
Ellicott City, Md. 21043  
455-0555

MICROFILMED

RE: PETITION FOR VARIANCE  
3600 Lilac Avenue, SWC Violet and Lilac  
Avenues, 13th Election District,  
1st Councilmanic

David V. and Lois M. Bergman  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 96-170-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to David V. and Lois M. Bergman, 3600 Lilac Avenue, Baltimore, MD 21227, Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

MAILED

**SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESILIENCE ZONES**  
**WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED**  
**Reference - Section 303.1 Baltimore County Zoning Regulations**

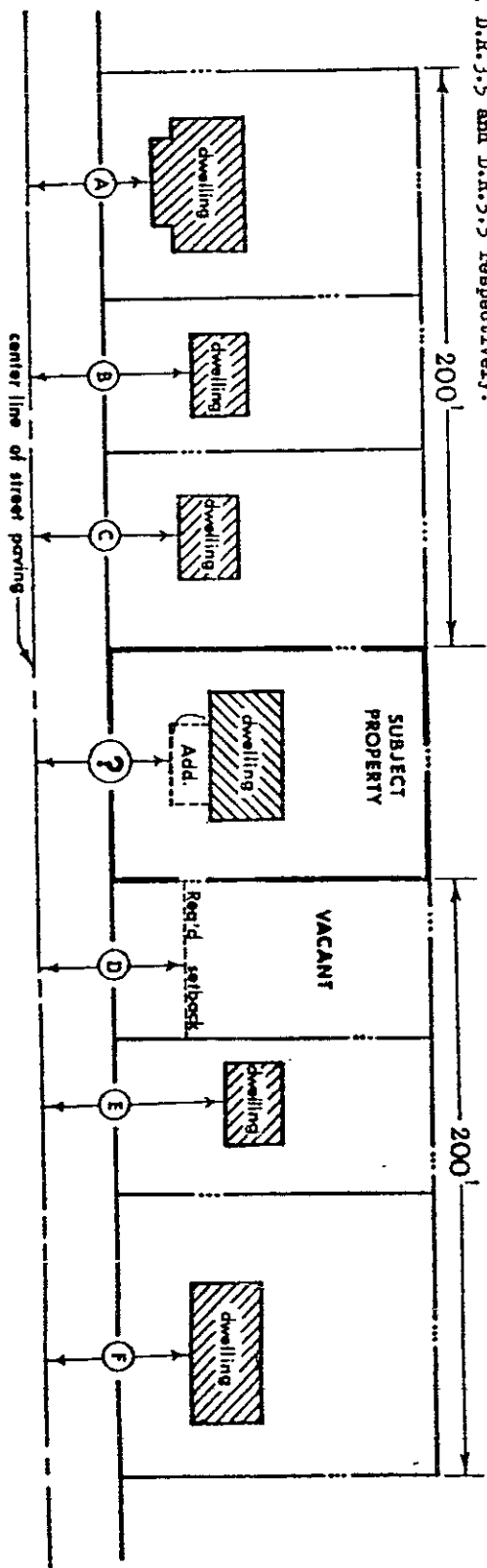
303.1 - In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

<b>A</b>	<u>20</u>	ft.
<b>B</b>	<u>20</u>	ft.
<b>C</b>	<u>15</u>	ft.
<b>D</b>	<u>25</u>	ft.
<b>E</b>		ft.
<b>F</b>		ft.

$$\text{TOTAL (80)} \div \text{(4)} = \boxed{20}$$
  
 # of dwellings REQUIRED FRONT SETBACK (averaged)

**NORMAL REQUIRED SETBACKS**  
 D.R.2 - 65 ft.  
 D.R.3.5- 55 ft.  
 D.R.5.5- 50 ft.

applicant's name BERGMAN  
3600 LILAC  
 building address  
190495  
 date



96-170-A

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

all my

NAME

ADDRESS

WALTER TAMMAMPIA

5169 HICKORY VIEWS

Betty Funk

ELIZABETH CITY 21048

BETTY FUNK

3602 LILAC AVE BALTO. MD 21227

GARLAND FUNK

" " " " " "



4-13-68



see pages 5 & 6 of the CHECKLIST for additional required information

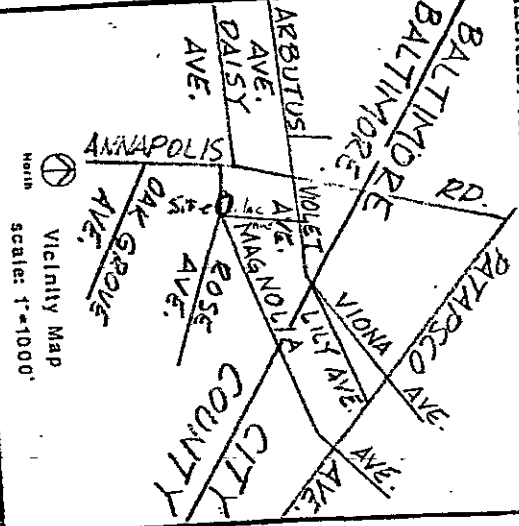
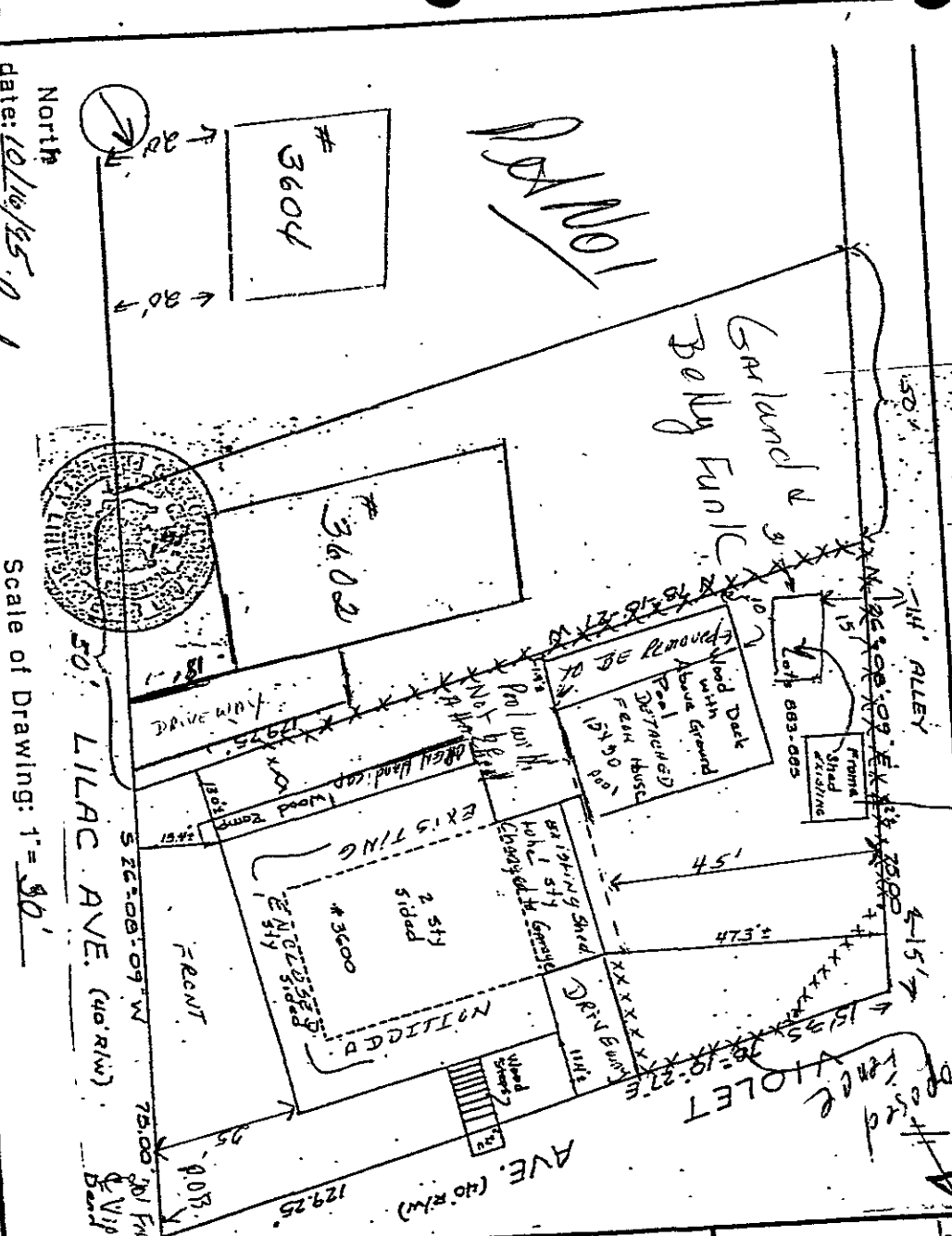
$$\chi = \text{Primary Physics}$$

2

He m...

1

96-178-Apple MON



LOCATION INFORMATION

Election District: 13

**Councilman's District:**

1"=200' scale map#: 540 B-2

Zonling: DR.5.5

Lot size: 73' x 129.5' square feet  
acreage 2.1168

Public private

SEWER: ☒ ☐ ☐

WATER: ☒ YES ☐ NO

Chesapeake Bay Critical Area: ☐ ☒

**Prior Zoning Hearings:**

NOTE

**Zoning Office USE ONLY!**

Reviewed by: Adel ITEM #: 1 CASE#: 1

North  
date: 10/10/45  
prepared by: Jankel

Scale of Drawing: 1" = 30'

~~Sept 18~~

Sept 18

Left at Sulphur Spring

Left on Washington

landed down Night

Darry

Turn Night

TO WHOM IT MAY CONCERN, I THE UNDERSIGNED HEREBY STATE THAT I DO NOT  
HAVE ANY OBJECTIONS TO THE IMPROVEMENTS KNOWN AS 3600 LILAC AVENUE AS  
THEY STAND IF THEY ARE COMPLETED AND FIND THEM TO BE AN IMPROVEMENT:

NAME: Tom Evers  
ADDRESS: 3510 LILAC AVE  
BALTO. MD. 21227

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

NAME: T. C. Hillier  
ADDRESS: 3514 LILAC AVE BALTO. 21227

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

NAME: Melvin B. Smith  
ADDRESS: 3604 LILAC AVE

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

NAME: Walter B. Back  
ADDRESS: 3612 LILAC AVE

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

NAME: Conner Bush  
ADDRESS: 3610 Lilac Ave

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

NAME: ROBERT CONRAD  
ADDRESS: 3610 LILAC AVE  
21227

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

NAME: Clara M. Matelis  
ADDRESS: 3607 Lilac Ave  
BALTO. MD. 21227

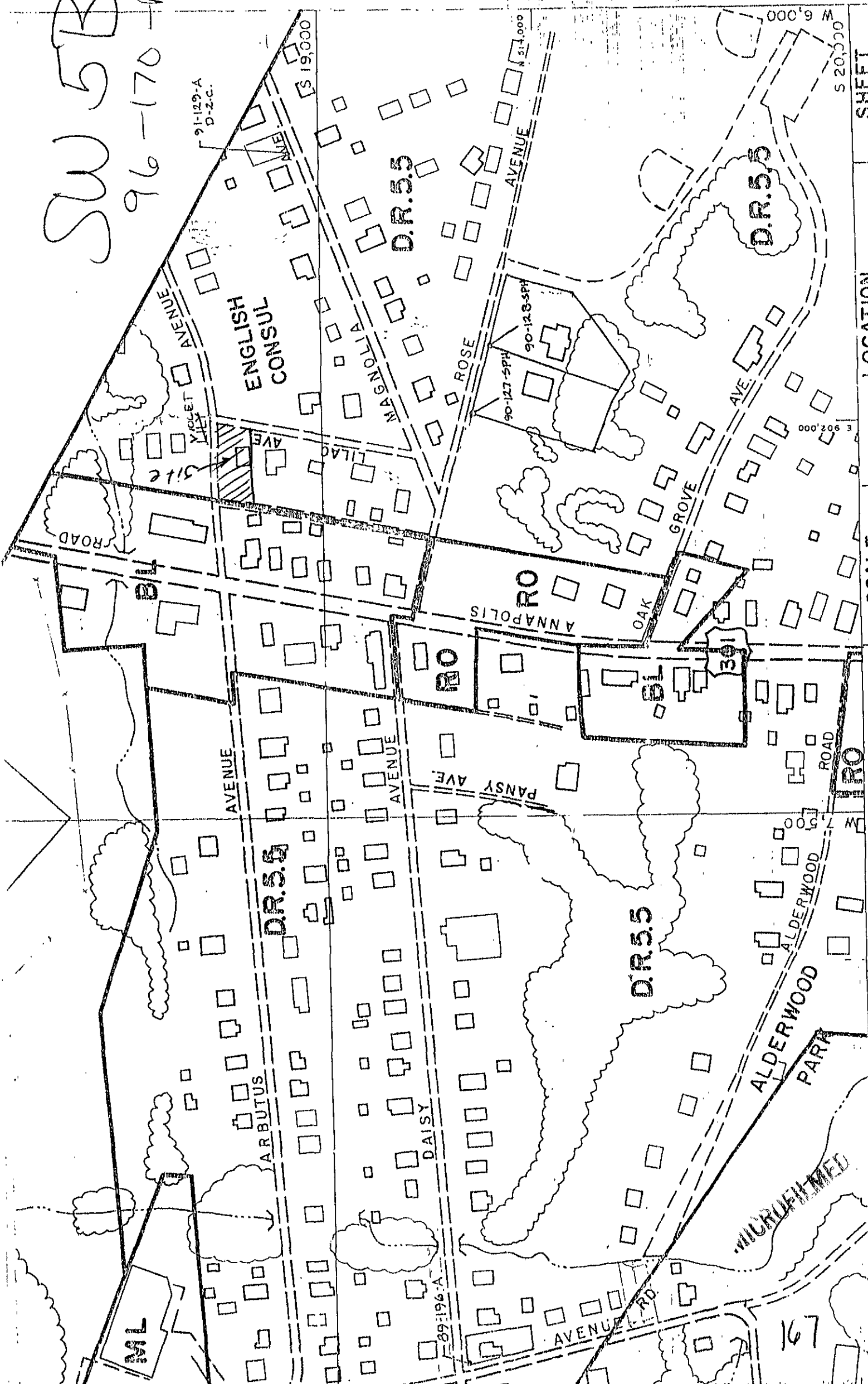
COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

Pet. No. 2

MICROFILMED



SW 5B  
96-170-A



SHEET

LOCATION

SCALE

1992 COMPREHENSIVE ZONING MAP

# APPLICATION FOR BUILDING PERMIT

FORM # 101-173 CONTROL # BR DT: 1-13 PREC 00

LOCATION: 3600 LILAC AVE  
 SUBDIVISION: ENCLICH CONSUL ESTATES  
 TAX ASSESSMENT #: 369000180

OWNERS INFORMATION  
 NAME: BERGMAN, LOIS & DAVID  
 ADDR: 3600 LILAC AVE BALTO., MD 21227

APPLICANT INFORMATION  
 NAME: LOIS BERGMAN  
 COMPANY: OWNER  
 ADDR1: 3600 LILAC AVE  
 ADDR2: BALTO MD 21227  
 PHONE #: 789-7853 LICENSE #

NOTES  
 OLS

TRACT: BLOCK:  
 PLANE: CONST 9 PLOT 2 R PLAT 0 DATA 9 ELEV NO PLUM NO  
 TENANT: OWNER  
 OWNER: OWNER  
 ENGINEER:  
 SELLER:  
 WORK: CONSTRUCT DECK WITH HIP ROOF ON FRONT OF EX.  
 SPL. 46'X9'=384SF ALSO CONSTRUCT HIP ROOF ON EX  
 SIDE DECKS. 37'X11'=407SF (X2) = 814SF  
 OVERALL 19'X47'X18'X=1,199SF IRREGULAR  
 PLANS WAIVED BY JOHN PICCO 9/8/93.  
 MEETS FRONT AVG. LJS.

PROPOSED USE: SFD & ADDITIONS  
 EXISTING USE: SFD

BLOG. CODE: 1 AND 2 FAM. CODE  
 RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED  
 ESTIMATED COST OF MATERIAL AND LABOR: 1,500.00

TYPE OF IMPRV: ADDITION

USE ONE FAMILY

FOUNDATION:

SEWAGE: PUBLIC EXIST

CONSTRUCTION:

CENTRAL AIR:

BASEMENT:

WATER: PUBLIC EXIST

FUEL:

SINGLE FAMILY UNITS  
 TOTAL 1 FAMILY BEDROOMS  
 MULTI FAMILY UNITS  
 EFFICIENCY (NO SEPARATE BEDROOMS): NO. OF 1 BEDROOM:  
 NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:  
 TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PLANNING INFORMATION

APPLICANT'S NAME  
ADDRESS  
CITY  
STATE  
ZIP  
BLOCK  
SECTION  
LIBER  
PAGE  
CLASS

DATE OF APPLICATION  
DATE OF RECEIPT  
DATE OF REVIEW  
DATE OF DECISION  
DATE OF APPEAL  
DATE OF FINAL DECISION  
DATE OF CLOSURE  
DATE OF REOPENING

APPLICANT'S NAME  
ADDRESS  
CITY  
STATE  
ZIP  
BLOCK  
SECTION  
LIBER  
PAGE  
CLASS

ASSESSMENTS  
LAND  
IMPROVEMENTS  
TOTAL ASSES.

PLANNING INFORMATION

APPLICANT'S NAME  
ADDRESS  
CITY  
STATE  
ZIP

DATE APPLICATION RECEIVED  
DATE OF RECEIPT  
DATE OF REVIEW  
DATE OF DECISION  
DATE OF APPEAL  
DATE OF FINAL DECISION  
DATE OF CLOSURE  
DATE OF REOPENING

APPLICANT'S NAME  
ADDRESS  
CITY  
STATE  
ZIP  
BLOCK  
SECTION  
LIBER  
PAGE  
CLASS

APPLICANT'S NAME  
ADDRESS  
CITY  
STATE  
ZIP

ADDRESS

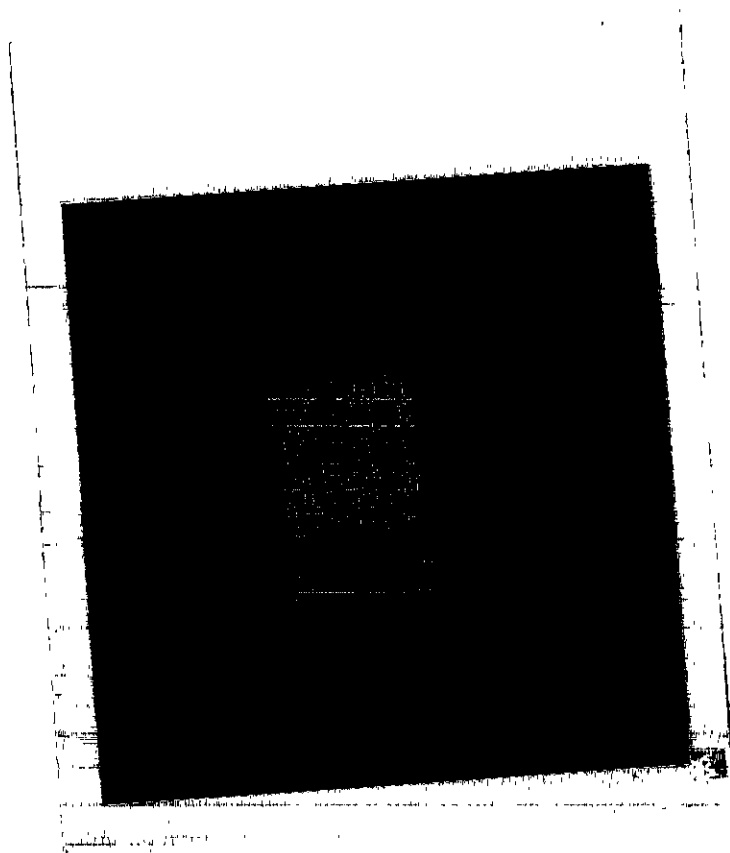
APPLICANT'S NAME  
ADDRESS  
CITY  
STATE  
ZIP

APPLICANT'S NAME  
ADDRESS  
CITY  
STATE  
ZIP

FILE NAME	DATE	TIME	DESCRIPTION
001	05/10/93	01	01/01/93
002	09/10/93	04	01/01/93
003	09/10/93	01	01/01/93

[illegible]







*Blue section converted to original black dwelling  
late 80's or early 90's*

*#5 Back*

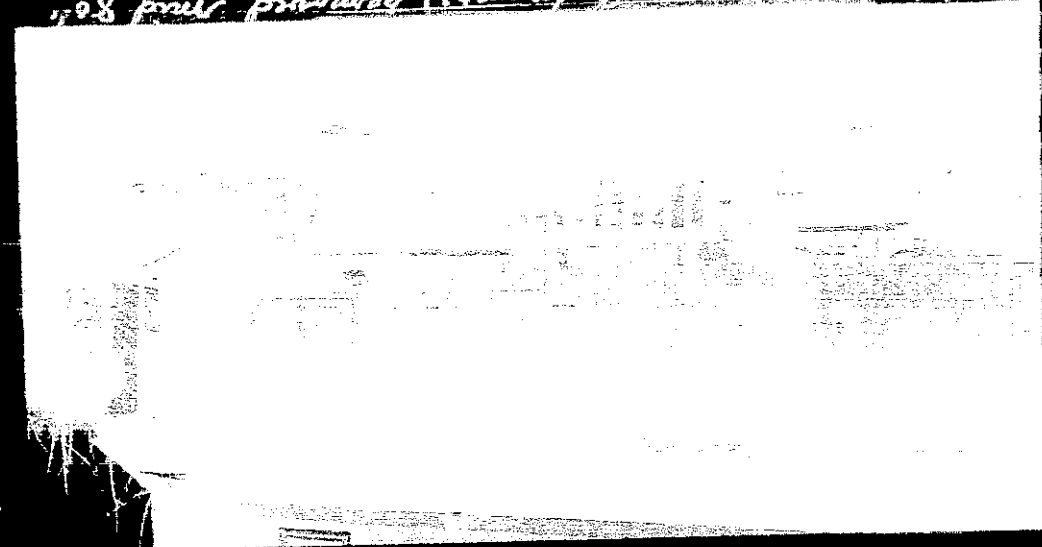


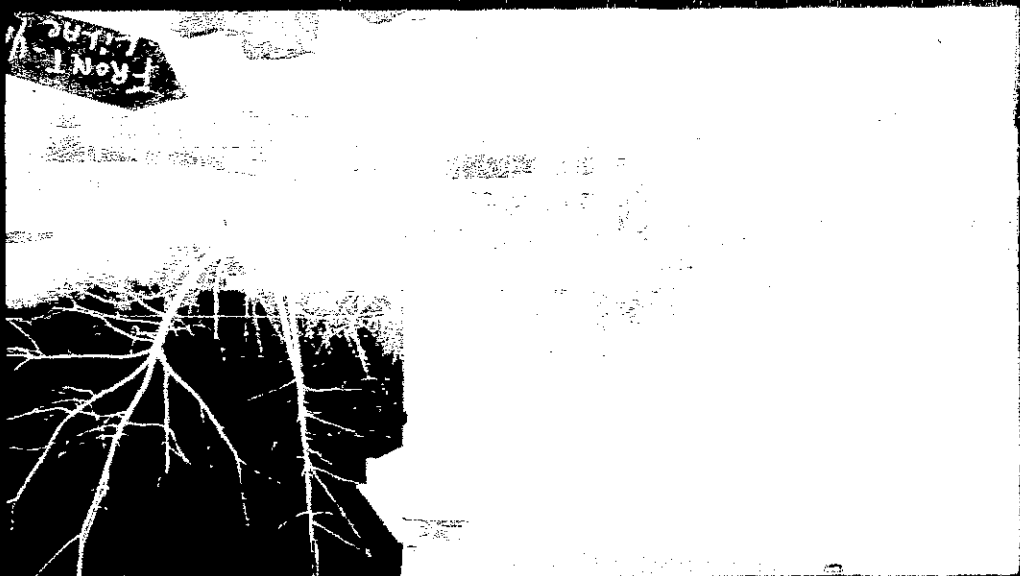
*Blue section converted to original black dwelling  
late 80's or early 90's*



*Original*

*END-OF-ORIG INH. DWELLING  
SIDE-OF-HOUSE (REAR) 80's*

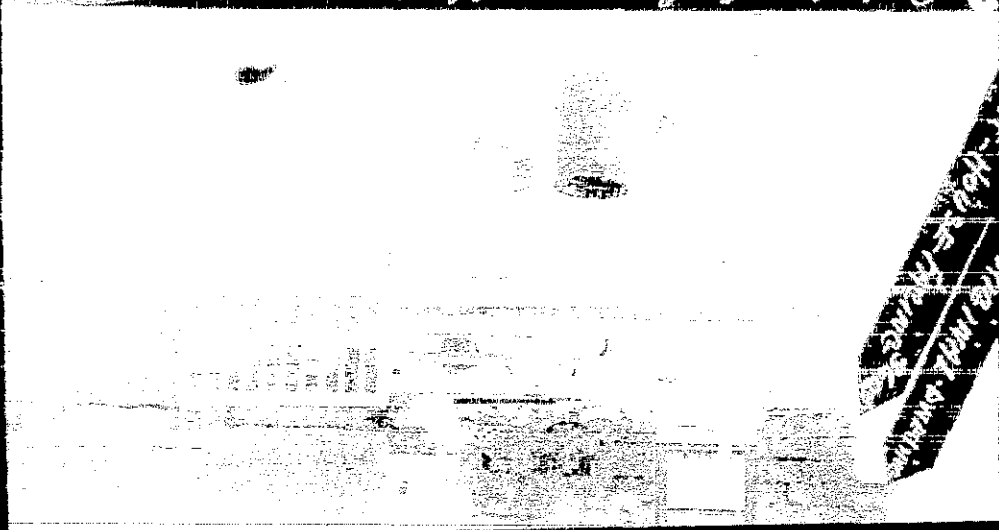




#5 Back 4 Pool 3602 Chain Link fence



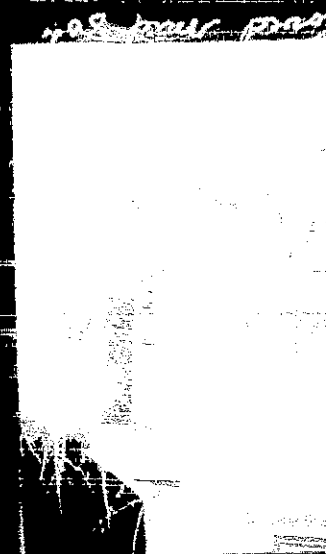
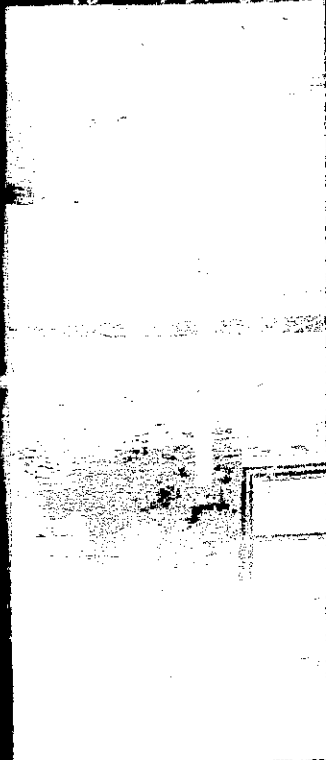
\*2 Original house block material again



BACK-END-OF-ORIGINAL DWELLING  
SIDE-OF-HOUSE BEING BUILT



2 Block dwelling



202 road

#11 Spring of

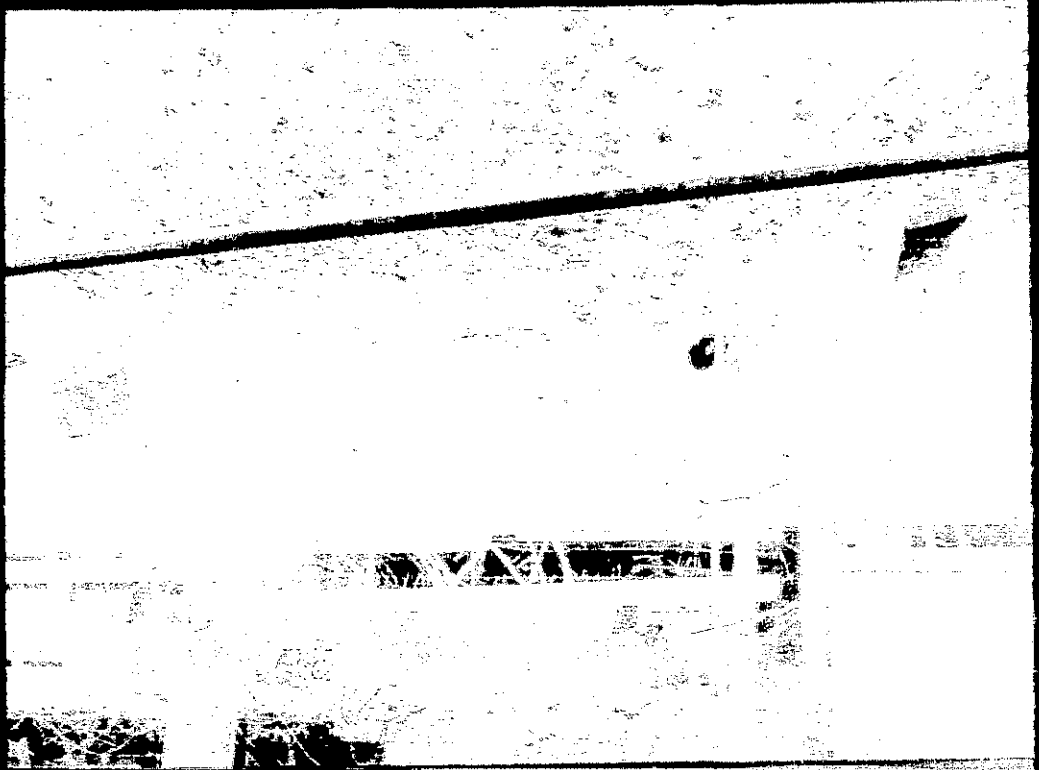
BACK-YARD-NO  
FRONT-ON VIOZ

April on Sand 710



3602 fence

#8



3602 90°

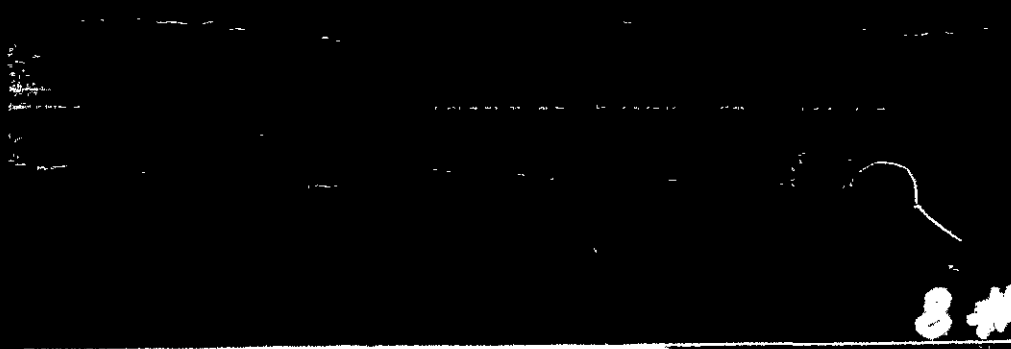
Back 4



#11 Spring of 94 (Mr. Funt cleaning out yard)



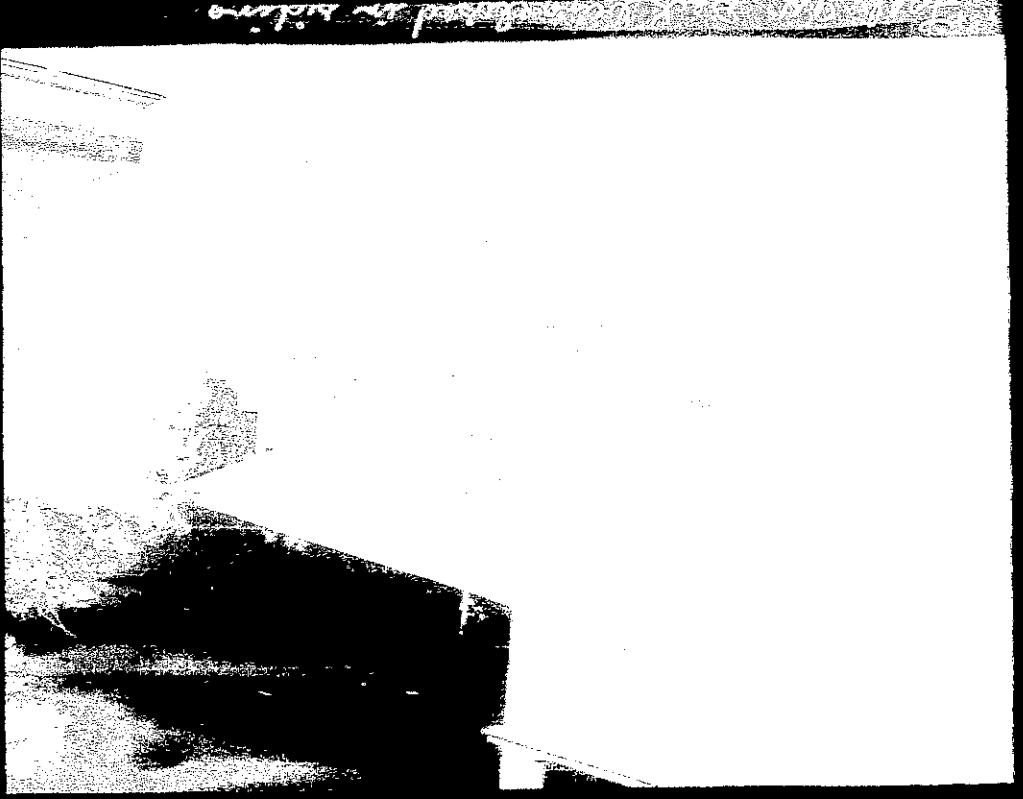
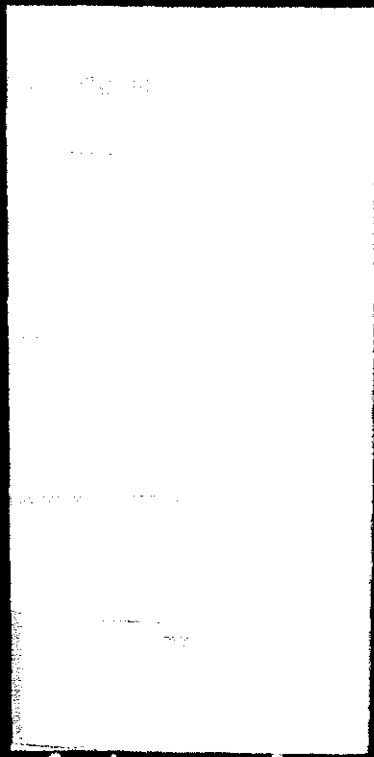
upside down by me



#8



#11 Fall 94 in



#11 bridge to



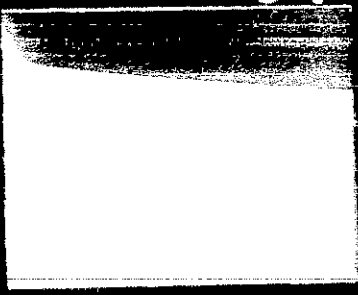
April 2004



to the front



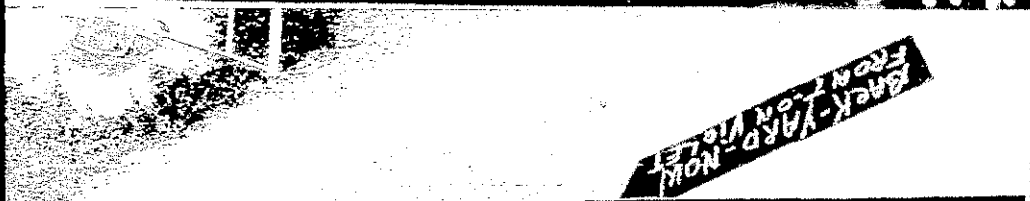
#8



10/12/52

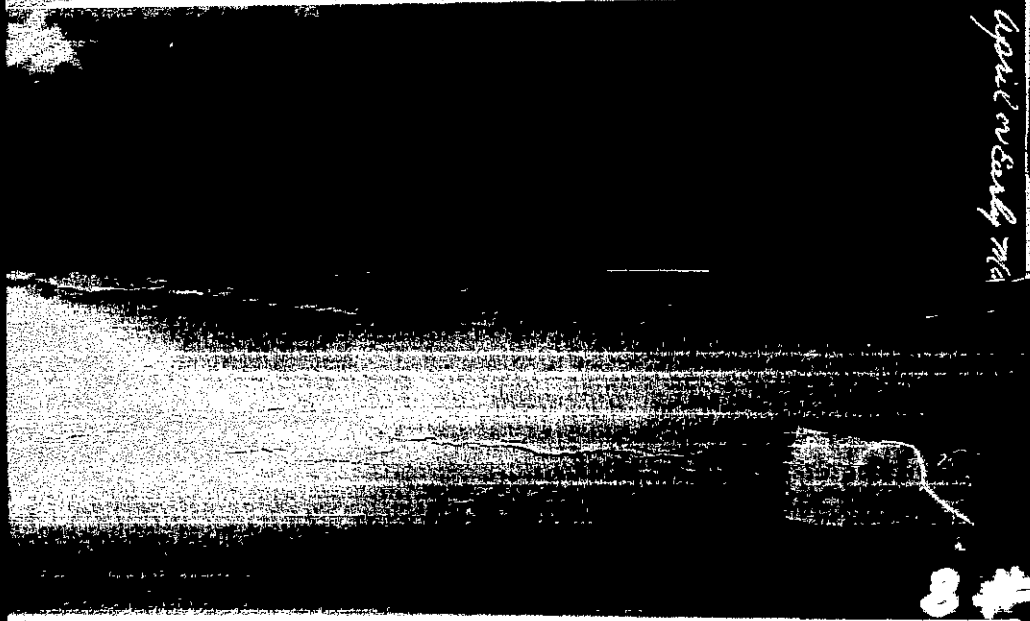


#11 Spring of 94 (the front cleaning out yard 3)

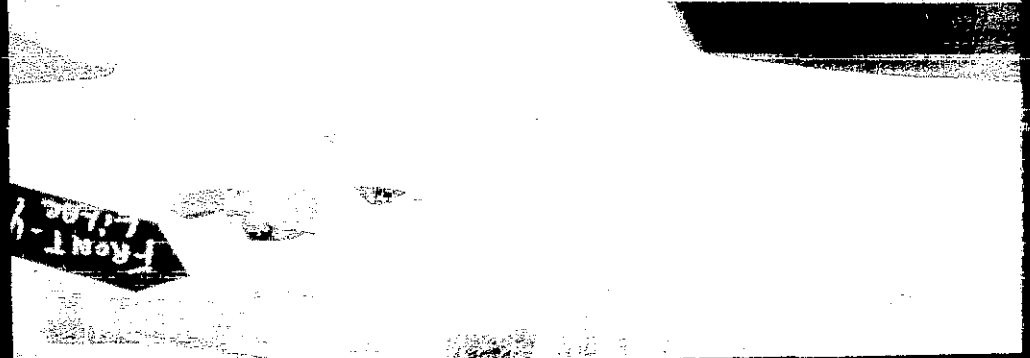


BACK-YARD-NOW  
FRONT-YARD-VIOLET

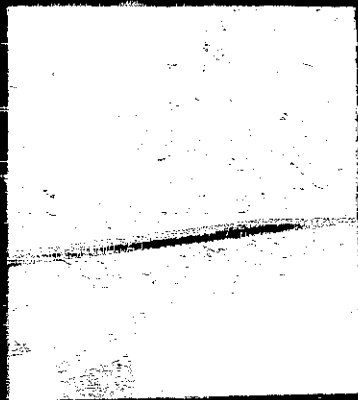
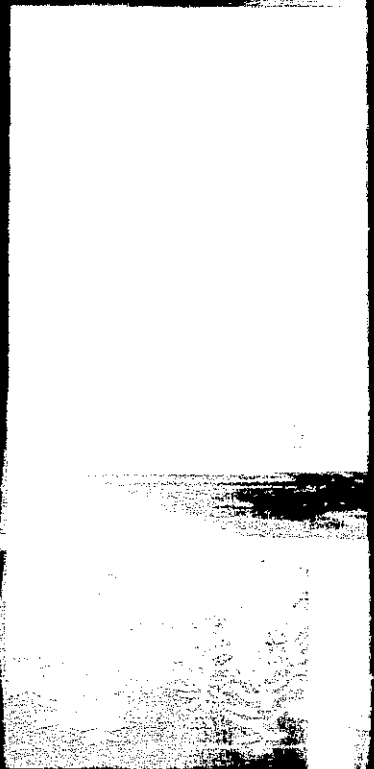
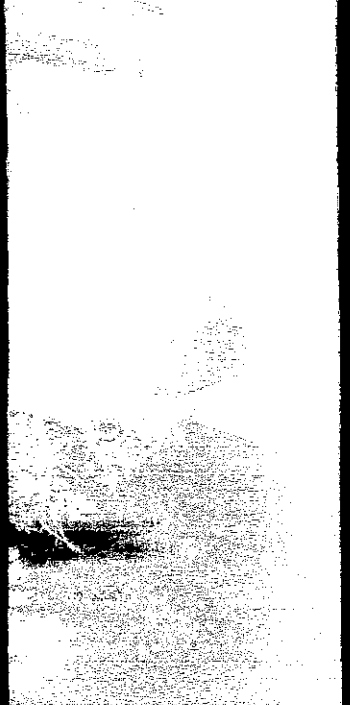
apricot/sandy mtd

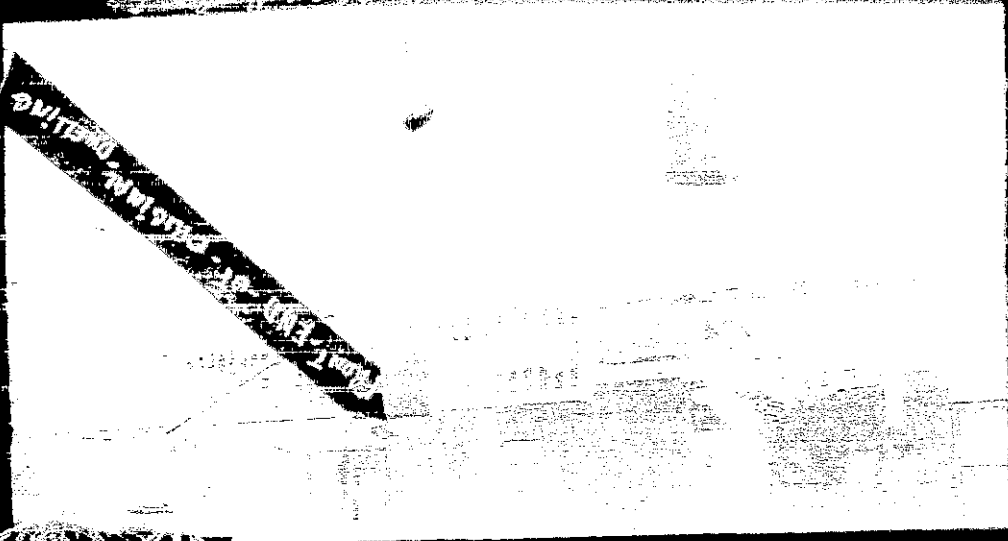
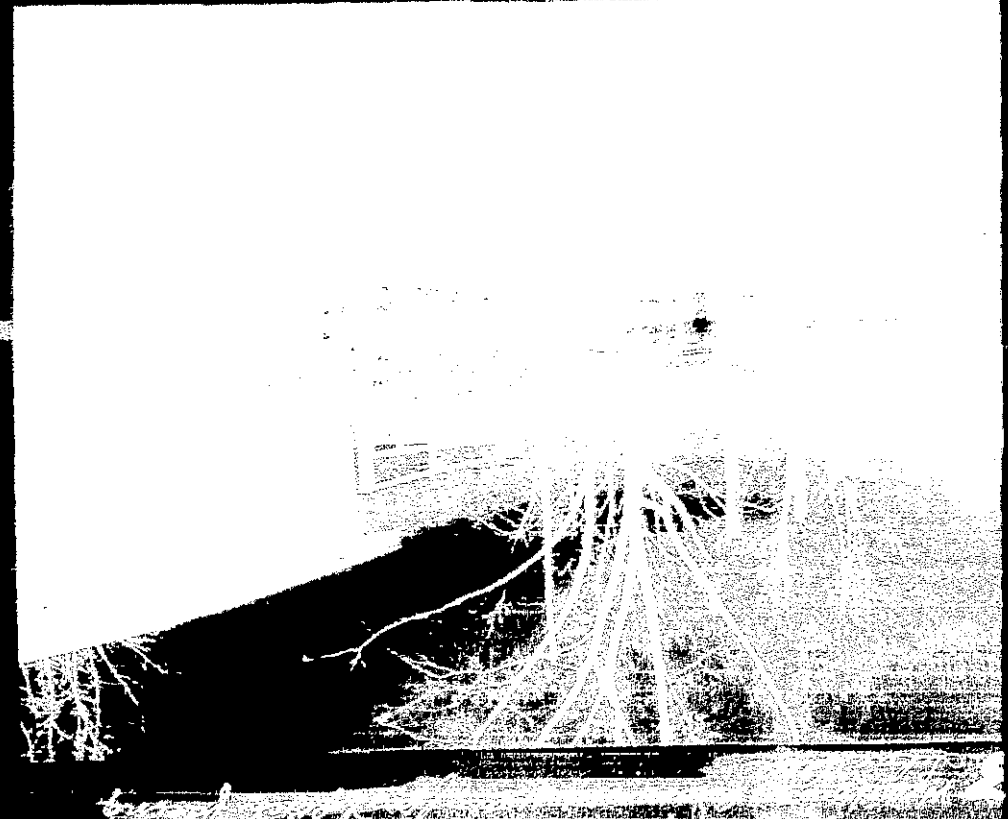


#8



FRONT-YARD  
1-17-52





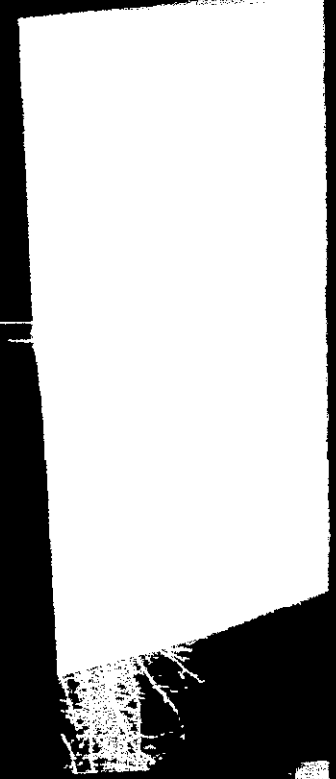
Case # 96-170-A

Property Address - 000



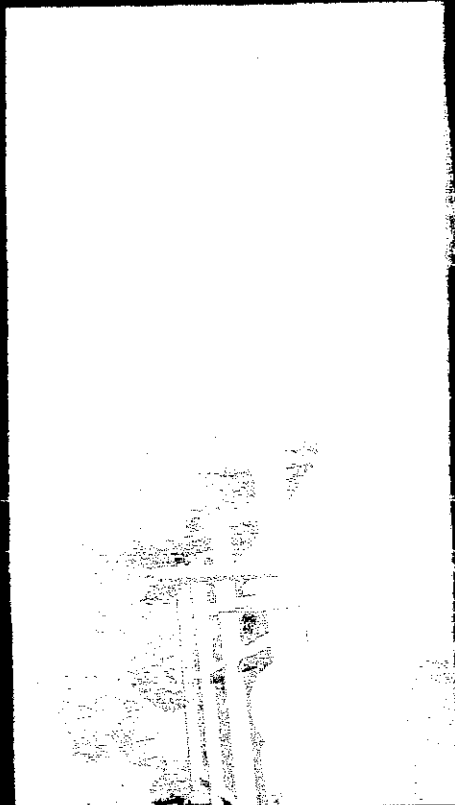


Case# 96-170A

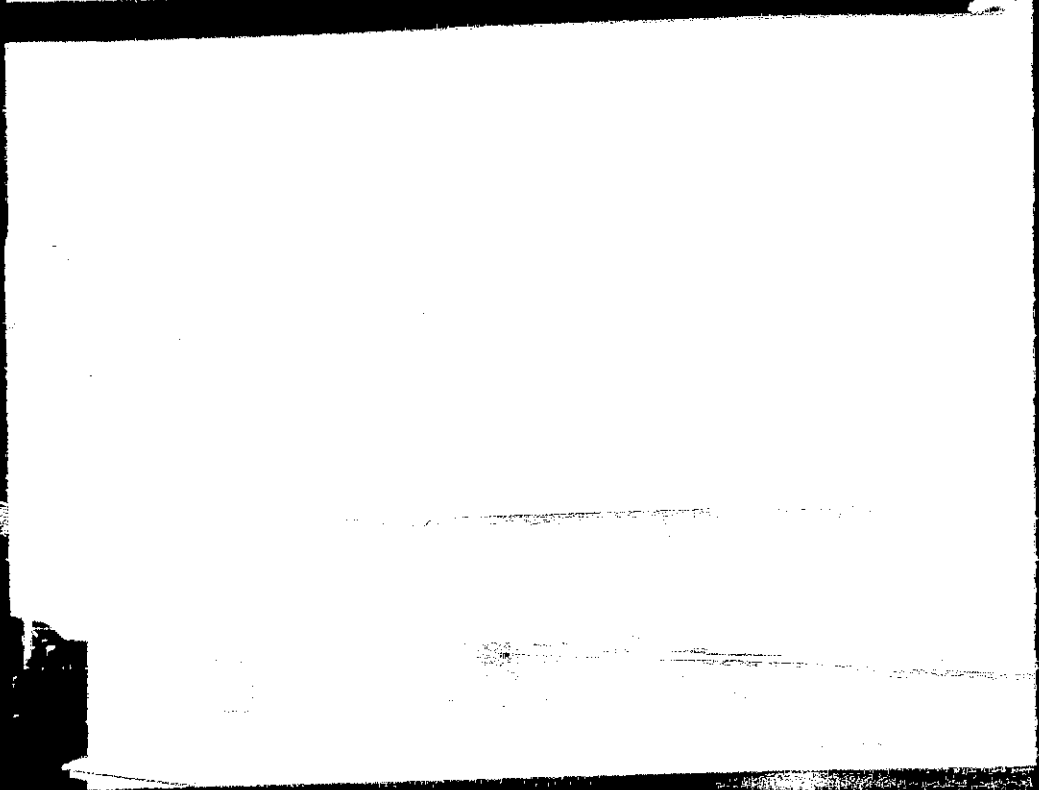
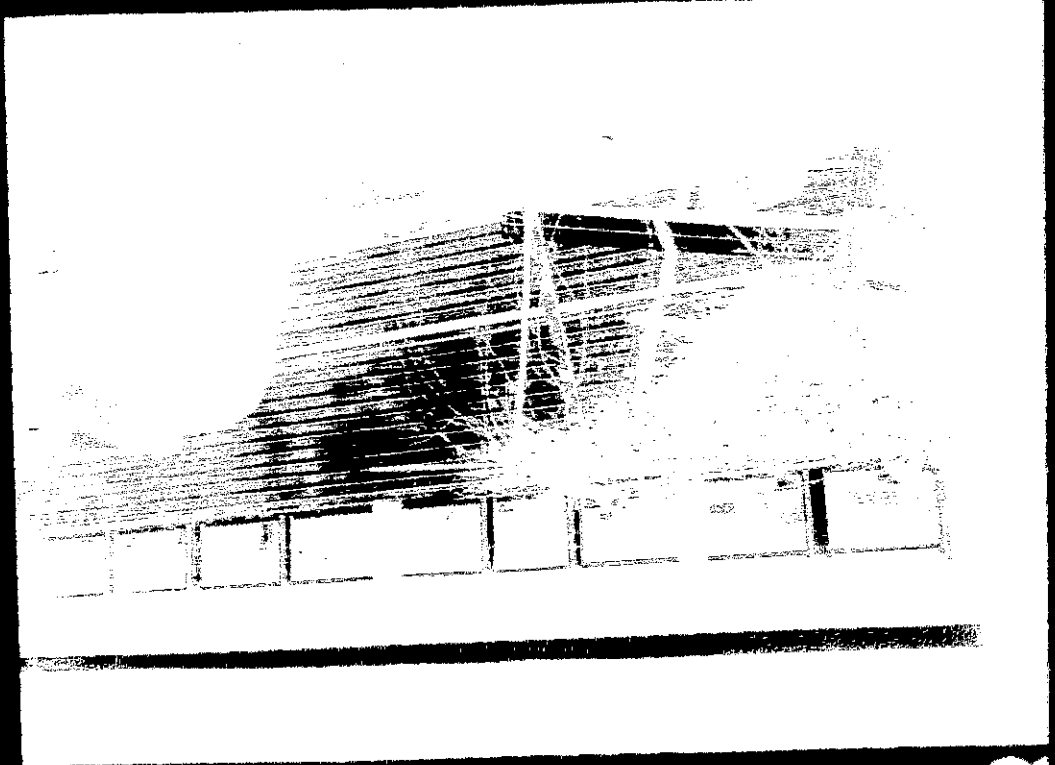


3-360-708

Property M/akta - 3602 form



Self - Winter 94 All windows - installed facing 3602

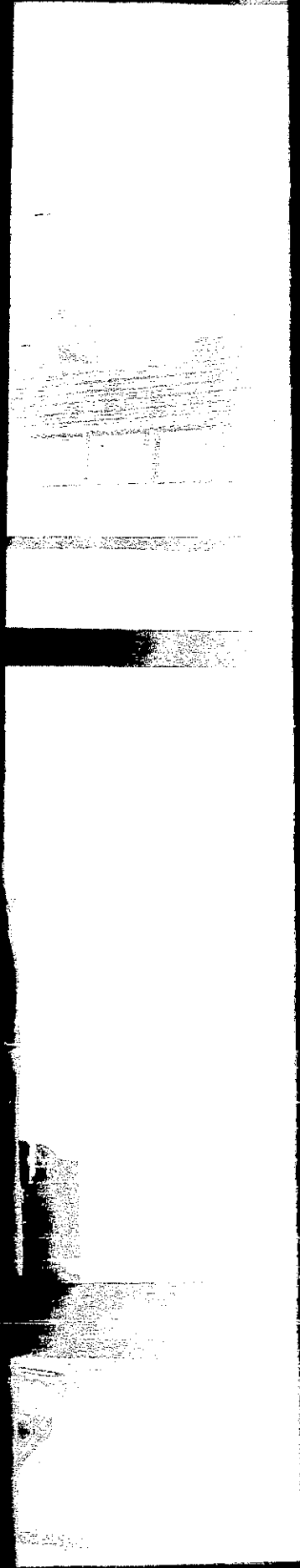


Self - Winter 94 All windows - installed facing 3602



MICROFILM

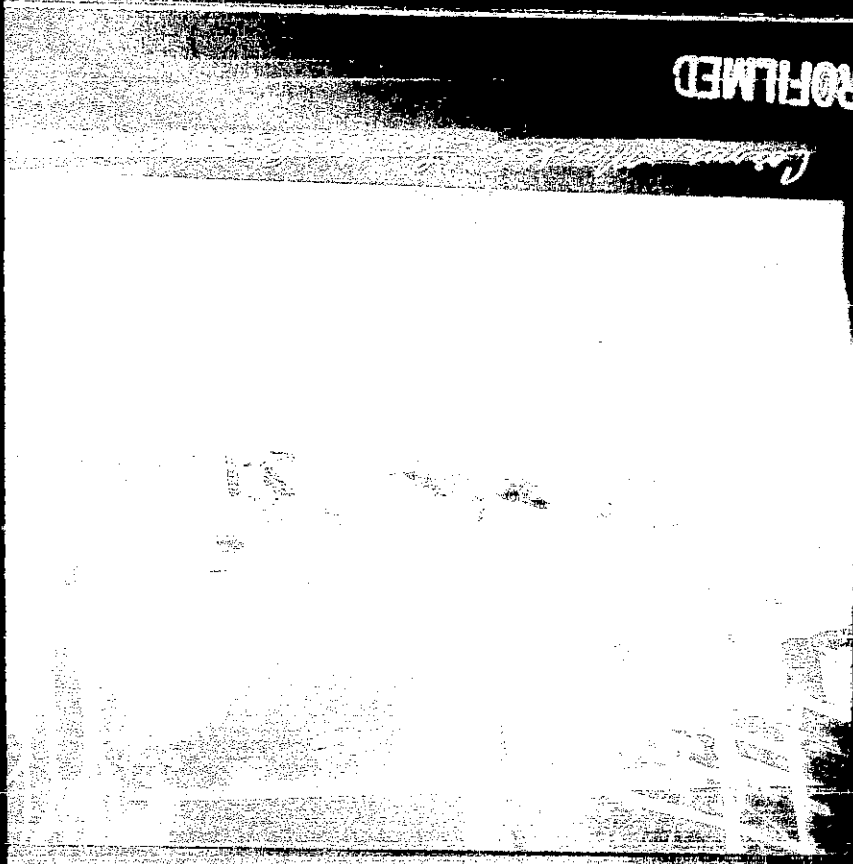
3602 3602 3602



3602 3602 3602



MICROFILMED



3602 3602 3602

3602 3602 3602

IN RE: PETITION FOR VARIANCE  
SW Corner Lilac and Violet Avenues  
(3600 Lilac Avenue)  
13th Election District  
1st Councilmanic District  
David V. Bergman, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-170-A  
\* Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 3600 Lilac Avenue, located in the vicinity of Annapolis Road near the Baltimore County/Baltimore City Line in Arbutus. The Petition was filed by the owners of the property, David V. and Lois M. Bergman. The Petitioners seek relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 13.4 feet in lieu of the required front average setback of 20 feet, to permit a side yard setback of 11.4 feet in lieu of the required 25 feet, and, from Sections 1B02.3.C.1 and 303.1.A to permit an open projection with a setback of 0 feet in lieu of the required 18.75 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Lois M. Bergman, property owner, and F. Vernon Boozer, Esquire, attorney for the Petitioners. Appearing in opposition to the request were Garland and Betty Funk, adjoining property owners, who were represented by W. Walter Farnandis, Esquire.

Testimony and evidence offered revealed that the subject property contains approximately 9,712.5 sq. ft. in area, zoned D.R. 5.5, and is

improved with a two-story dwelling with a one-story shed attached to the rear, a wrap-around addition which is attached to the front and two sides of the dwelling, a detached above-ground swimming pool and two sheds. The Petition was filed in response to a complaint registered with the Department of Permits and Development Management (DPDM) office concerning the wrap-around addition. The subject property is a corner lot located adjacent to the intersection of Lilac and Violet Avenues in an old subdivision known as English Consul Estates.

Mrs. Bergman testified concerning the subject property and the improvements that have been made over the years. She testified that the property is an irregularly shaped rectangular lot and that the house is oriented towards Lilac Avenue. She testified that the original house was built around 1950 and that she and her family have resided therein for approximately the past 10 years. A large structure identified on the site plan as an existing shed was attached to the rear of the house in the 1980s. An above-ground swimming pool with a large detached wood deck surrounding same was later constructed in the rear yard. Also located in the rear yard are two sheds, one of which is to be removed. The major improvement, in terms of size and scope, is the large, wrap-around addition to the first floor of the existing dwelling. As noted above, this addition was attached to three sides of the dwelling, excluding the rear side. Originally, the addition was constructed as a deck. However, a roof was erected over the deck, and later, exterior walls and windows were added. The result of this construction has been to dramatically increase the footprint of the house and interior living space on the first floor. Further, the house is somewhat pyramid shaped, in that the second floor has not been enlarged.

- 2 -

Mrs. Betty Funk, who resides on the adjacent property, testified in opposition to the relief requested. Mrs. Funk testified that she and her husband have resided on their property for the past 37 years. They believe that the various additions to the subject site have overwhelmed the property and are entirely inappropriate. They also note that the structure intrudes into the allowable setback which, in their judgment, negatively impacts their property's value.

Due to the unusual nature of the site improvements and the testimony offered, this Zoning Commissioner reviewed a copy of the permit file subsequent to the hearing. That file shows that a permit (No. B175673) was issued to Lois and David Bergman in September, 1993. The permit was personally applied for and paid for by Mrs. Bergman, an employee of Baltimore County. The permit requested approval to construct a "deck with hip roof on front of existing SPD. Also, construct hip roof on existing side decks..."

The construction of a deck with a roof shielding same from the elements is significantly different from completely enclosing the deck to the extent that it becomes part of the interior of the house. It is difficult to have empathy for the Petitioners when Mrs. Bergman apparently misrepresented her ultimate plans when she applied for a building permit.

Also, I conducted a site inspection which confirmed what is shown in the photographs submitted by the Protestants; namely, that the improvements dominate this relatively modest lot. In addition to the many improvements/ structures described above, several automobiles are parked on the lawn and the property contains a significant amount of construction equipment and debris. Apparently, much of this material has littered this lot, undisturbed, for some time. For example, a large pile of mulch in

the front yard was present when I inspected the site on February 1, 1996. This same pile of mulch is seen in one of the photographs presented by Mrs. Funk which was taken during the summer of 1995.

It is not the role of this Zoning Commissioner to determine aesthetics or the manner in which the property should be kept. However, it is obvious that the complaint which led to an inspection of this property by the Zoning Enforcement Division of DPDM and the subsequent filing of this variance Petition was as a result of the condition and appearance of the property.

The consideration of variances in Baltimore County must be in accordance with the provisions of Section 307 of the B.C.Z.R. This statute was comprehensively examined and recently discussed by the Court of Special Appeals of Maryland in *Cromwell v. Ward*, 102 Md. App. 691 (1995). Within that opinion, the Court determined that the first step in evaluating any variance is to determine the uniqueness or peculiarity of the subject property. An examination of the site shows that same is not particularly unique. Arguably, the site is somewhat unusual in that same is located at an intersection and borders public streets on two sides. However, there are other corner lots of similar size and shape within this subdivision.

The *Cromwell* opinion also examined the concept of self-inflicted hardship. The Court stated, "Were we to hold that self-inflicted hardships in and of themselves justify variances, we would, effectively not only generate a plethora of such hardships, but we would also emasculate zoning ordinances. Zoning would become meaningless." Page 722. Thus, the fact that the improvements have already been built cannot justify the variance.

This is particularly so since the building permit misrepresented the Petitioner's ultimate plans.

Based upon the standard as enunciated in *Cromwell*, infra, it is clear that the variance requested here cannot be granted. I am appreciative of the Petitioners efforts to improve their property and expand their living space. However, disregard for the zoning regulations cannot be ignored. The Petitioners are charged with the knowledge of these regulations. In my judgment, they have failed to provide persuasive testimony that the requirements of the ordinance have been met. The variance must, and, therefore, will be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of February, 1996 that the Petition for Variance seeking relief from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 13.4 feet in lieu of the required front average setback of 20 feet, to permit a side yard setback of 11.4 feet in lieu of the required 25 feet, and, from Sections 1B02.3.C.1 and 303.1.A to permit an open projection with a setback of 0 feet in lieu of the required 18.75 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

February 9, 1996

F. Vernon Boozer, Esquire  
614 Bosley Avenue  
Towson, Maryland 21204

RE: PETITION FOR VARIANCE  
SW Corner Lilac and Violet Avenues  
(3600 Lilac Avenue)  
13th Election District - 1st Councilmanic District  
David V. Bergman, et ux - Petitioners  
Case No. 96-170-A

Dear Mr. Boozer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. & Mrs. David V. Bergman  
3600 Lilac Avenue, Baltimore, Md. 21227

W. Walter Farnandis, Esquire  
5169 Ilchester Woods Way, Ellicott City, Md. 21043

Mr. & Mrs. Garland Funk  
3602 Lilac Avenue, Baltimore, Md. 21227

People's Counsel; Case File



## Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 3600 Lilac Ave  
which is presently zoned D.R. 5.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 and 303.1 to allow a front yard setback of 13.4 ft. in lieu of the required front average setback of 20 ft.; from 1B02.3.C.1 to allow a side yard setback of 11.4 ft. in lieu of the required 25 ft.; and from 1B02.3.C.1 and 303.1A to allow an open projection a 0 ft. setback in lieu of the required 18.75 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To Be Presented at Hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

(Type or Print Name)

Signature

Address

City

State

Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

Lois M. Bergman  
(Type or Print Name)

David M. Bergman  
Signature

David V. Bergman  
(Type or Print Name)

David V. Bergman  
Signature

3600 Lilac Ave  
Address

Baltimore Md  
City

21227  
Zipcode

Same as above  
Name, Address and phone number of representative to be contacted:

Address Phone No.

ESTIMATED LENGTH OF HEARING: 45 minutes (Indicate for Hearing)

ALL the following dates: Next Two Months

REVIEWED BY: DATE

ZONING DESCRIPTION FOR: 3600 LILAC AVENUE 96-170-A  
BALTIMORE, MARYLAND 21227

BEING all of Lot Nos. 883 through 885 as situated on the southwest corner of Lilac and Violet Avenues in the subdivision of English Consul Estate, Section A, which plat is recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 3, Folio 109A. Said lots containing a total area of 9,712.5 sq. ft., more or less. Also known as 3600 Lilac Avenue and located in the Thirteenth Election District, First Councilmanic District.

ORDER RECEIVED FOR FILING  
Date 2/9/96  
By LES

ORDER RECEIVED FOR FILING  
Date 2/9/96  
By LES

ORDER RECEIVED FOR FILING  
Date 2/9/96  
By LES



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 130 Date of Posting 11/19/95  
Posted for Variances  
Petitioner: Lois & David V. Bergman  
Location of property: 3600 Lilac Ave.  
Location of Sign: Entry, driveway on property, signs #416  
Remarks: None  
Posted by: M. J. [Signature] Date of return: 11/17/95  
Number of Signs: 1

**CERTIFICATE OF PUBLICATION**

TOWSON, MD., 11/10, 1995  
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/19, 1995.

THE JEFFERSONIAN,

A. Henderson  
LEGAL AD. - TOWSON

**NOTICE OF HEARING**  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 as follows:  
Case No. 95-170-A  
3600 Lilac Avenue  
SNC Violet and Lilac Avenue  
13th Election District - 1st Councilmanic  
Legal Owner: Lois M. Bergman and David V. Bergman  
Variance to allow a front yard setback of 13.4 feet in lieu of the required front average setback of 20 feet; to allow a side yard setback of 11.4 feet in lieu of the required 25 feet; and to allow an open projection a zero foot setback in lieu of the required 18.75 feet.  
HEARING: THURSDAY, NOVEMBER 30, 1995 at 10:00 a.m. in Room 118, Old Courthouse.  
cc: Lois and David Bergman  
NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.  
Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 007944  
DATE 19 OCT 95 ACCOUNT R-001-6150  
AMOUNT \$ 85.00  
RECEIVED FROM Lois Bergman 96-170-A  
FOR Residential Variance  
3600 LILAC AVE. #416 \$85.00  
BA E00747AH10-19-95  
VALIDATION OR SIGNATURE OF CASHIER

TO: PUBLISHER PUBLISHING COMPANY  
November 9, 1995 Issue - Jeffersonian  
Please forward billing to:  
Lois M. Bergman  
3600 Lilac Avenue  
Baltimore, MD 21227  
887-3269

**NOTICE OF HEARING**

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
Case Number: 96-170-A (Item 167)  
3600 Lilac Avenue  
SNC Violet and Lilac Avenue  
13th Election District - 1st Councilmanic  
Legal Owner: Lois M. Bergman and David V. Bergman  
Variance to allow a front yard setback of 13.4 feet in lieu of the required front average setback of 20 feet; to allow a side yard setback of 11.4 feet in lieu of the required 25 feet; and to allow an open projection a zero foot setback in lieu of the required 18.75 feet.  
HEARING: THURSDAY, NOVEMBER 30, 1995 at 10:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 6, 1995

**NOTICE OF HEARING**

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Bel [Signature]  
Arnold Jablon  
Director

cc: Lois and David Bergman

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

November 24, 1995

Mr. and Mrs. David V. Bergman  
3600 Lilac Avenue  
Baltimore, Maryland 21227

RE: Item No.: 167  
Case No.: 96-170-A  
Petitioner: D. V. Bergman

Dear Mr. and Mrs. Bergman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 27, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (Zoning Commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you. Those that are not informative will be placed in the file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the Planning Agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. C. [Signature]  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director, PDM  
FROM: Pat Keller, Director, OP  
SUBJECT: 3600 Lilac Avenue (AMENDED COMMENT)  
Item Number: 167 A  
Petitioner: Bergman Property  
Property Size: \_\_\_\_\_  
Zoning: DR-5.5  
Requested Action: Variance  
Hearing Date: 1/1

**SUMMARY OF RECOMMENDATIONS:**

Based upon a review of the information provided and a site visit, this office offers the following comment.

The Petitioners applied for a building permit on September 10, 1993 in order to "construct a deck with hip roof in front of existing single family detached dwelling." Building plans were waived and the permit application was approved by the Zoning Office. The Planning Office cannot explain why the Zoning Office approved the permits for the project in 1993 and then later cited the Petitioners with a violation in 1995.

Upon completion of the deck, the Petitioner enclosed the structure without appropriate permits. The enclosure increased the scale and bulk of the house to the point of total incompatibility with adjacent homes.

Since it is clear the need for the variances is based on a self imposed hardship, staff can see no justification for the granting of the subject request, and therefore, recommends that the applicants' variance be denied.

Should the Petitioners' request be granted, however, it is recommended that documentation be provided that the noted proposals which appear on the "Plat to Accompany Petition" have occurred. Specifically these proposals reflect the following:

- removal of a 10' section of deck near the pool area
- conversion of existing shed at rear of house into a garage with driveway

TO: Arnold Jablon, Director, PDM  
FROM: Arnold F. "Pat" Keller, III, Director, OP

- construction of the proposed privacy fence (board on board is recommended)
- that the pool be permanently detached from the house.

Prepared by: Jeffrey W. Long

Division Chief: Carol Keller

PK/JL  
ITEM167A/PZONE/ZAC1

**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
DATE: Nov. 6, 1995  
FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review  
RE: Zoning Advisory Committee Meeting  
for November 6, 1995  
Items 163, 165, 166, 167, 168, and 169

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:SW







PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME: WALTER THOMPSON ADDRESS: 1169 Richmond Ave  
NAME: Betty Funk ADDRESS: 6115th City 21027  
NAME: BETTY FUNK ADDRESS: 3602 LILAC AVE BALTO MD 21227  
NAME: GARLAND FUNK ADDRESS: " " " " " "

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3602 Lilac Ave  
Subdivision name: English Consul Estates  
Plat book: 102, Map 115, Plate 5A  
OWNER: DAVID V. & LARA BURGARD

96-170-A-10000

Garland & Betty Funk

3604

3602

3600

LILAC AVE (40' wide)

Scale of Drawing: 1"=30'

North arrow

date: 10/10/85

prepared by: John

LOCATION INFORMATION

Election District: 13  
Counclimatic District: 1  
1"=200' scale map: 562 B-5  
Zoning: DR-5.5  
Lot size: 75'x124' 9725 square feet

SEWER: ☒ WATER: ☒  
Chesapeake Bay Critical Area: ☐  
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!  
Reviewed by: ITEM # CASE#  
167

TO WHOM IT MAY CONCERN, I THE UNDERSIGNED HEREBY STATE THAT I DO NOT HAVE ANY OBJECTIONS TO THE IMPROVEMENTS KNOWN AS 3602 LILAC AVENUE AS THEY STAND IF THEY ARE COMPLETED AND FIND THEM TO BE AN IMPROVEMENT.

NAME: John Funk  
ADDRESS: 3602 LILAC AVE  
BALTO MD 21227

COMMENTS:

NAME: T.C. Hillier  
ADDRESS: 3614 LILAC AVE BALTO. MD 21227

COMMENTS:

NAME: Michael B. Hunt  
ADDRESS: 3604 Lilac Ave

COMMENTS:

NAME: William Back  
ADDRESS: 3612 Lilac Ave

COMMENTS:

NAME: Camille Back  
ADDRESS: 3610 Lilac Ave

COMMENTS:

NAME: Robert Burad  
ADDRESS: 3610 Lilac Ave  
BALTO MD 21227

COMMENTS:

NAME: Lara M. Matulis  
ADDRESS: 3607 Lilac Ave  
BALTO MD 21227

COMMENTS:

Red. No. 2

TO WHOM IT MAY CONCERN, I THE UNDERSIGNED HEREBY STATE THAT I DO NOT HAVE ANY OBJECTIONS TO THE IMPROVEMENTS KNOWN AS 3602 LILAC AVENUE AS THEY STAND IF THEY ARE COMPLETED AND FIND THEM TO BE AN IMPROVEMENT.

NAME: David P. Hunt  
ADDRESS: 3612 Lilac Ave  
BALTO MD 21227

COMMENTS:

NAME: Red. No. 3  
ADDRESS: 3612 Lilac Ave

COMMENTS:

NAME: Red. No. 3  
ADDRESS: 3612 Lilac Ave

COMMENTS:

NAME: Red. No. 3  
ADDRESS: 3612 Lilac Ave

COMMENTS:

NAME: Red. No. 3  
ADDRESS: 3612 Lilac Ave

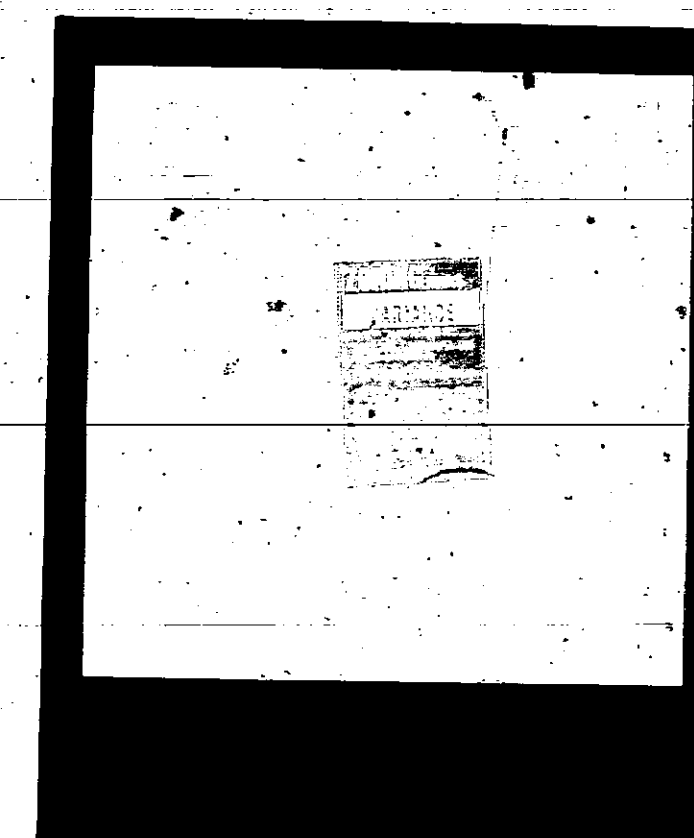
COMMENTS:

NAME: Red. No. 3  
ADDRESS: 3612 Lilac Ave

COMMENTS:

NAME: Red. No. 3  
ADDRESS: 3612 Lilac Ave

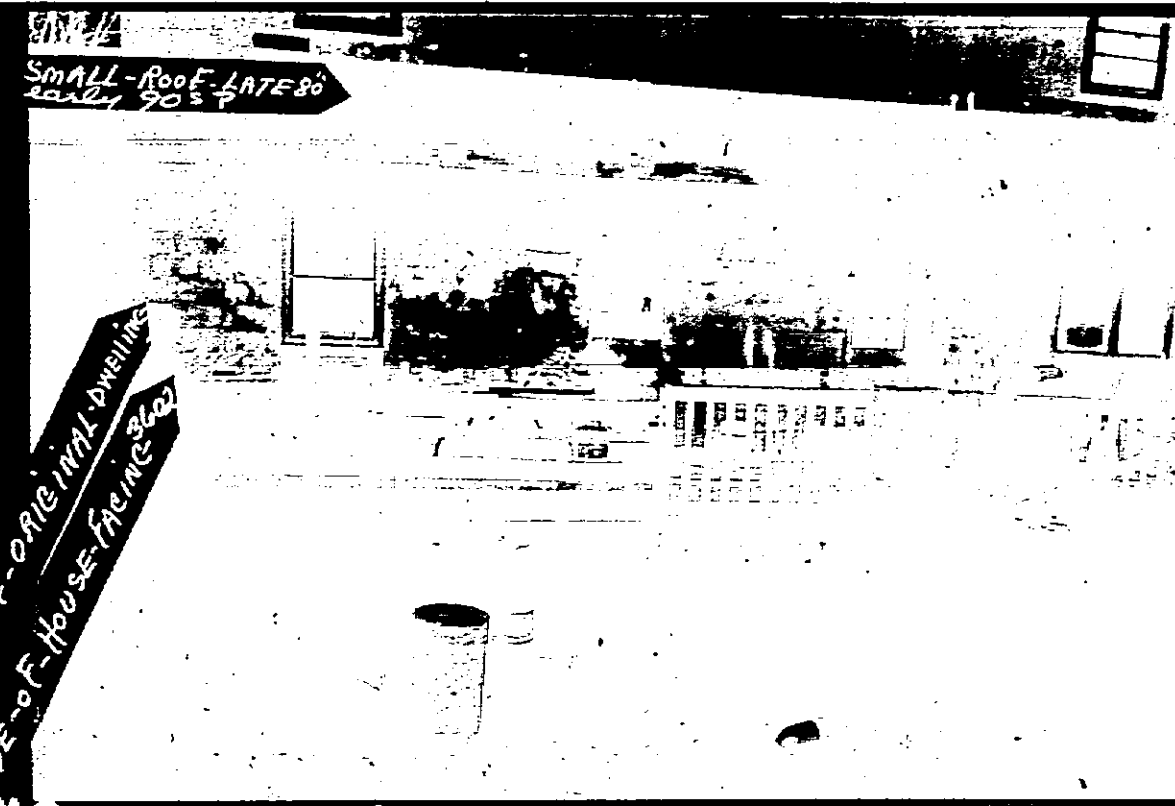
COMMENTS:



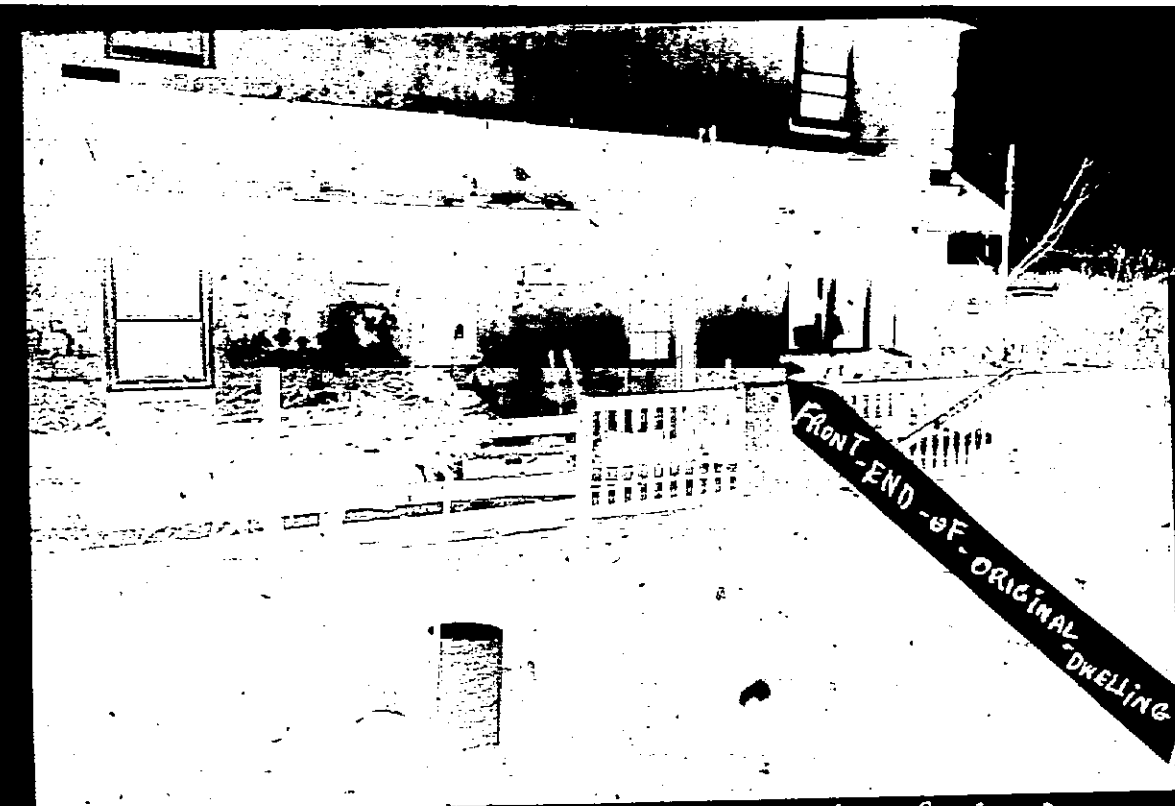




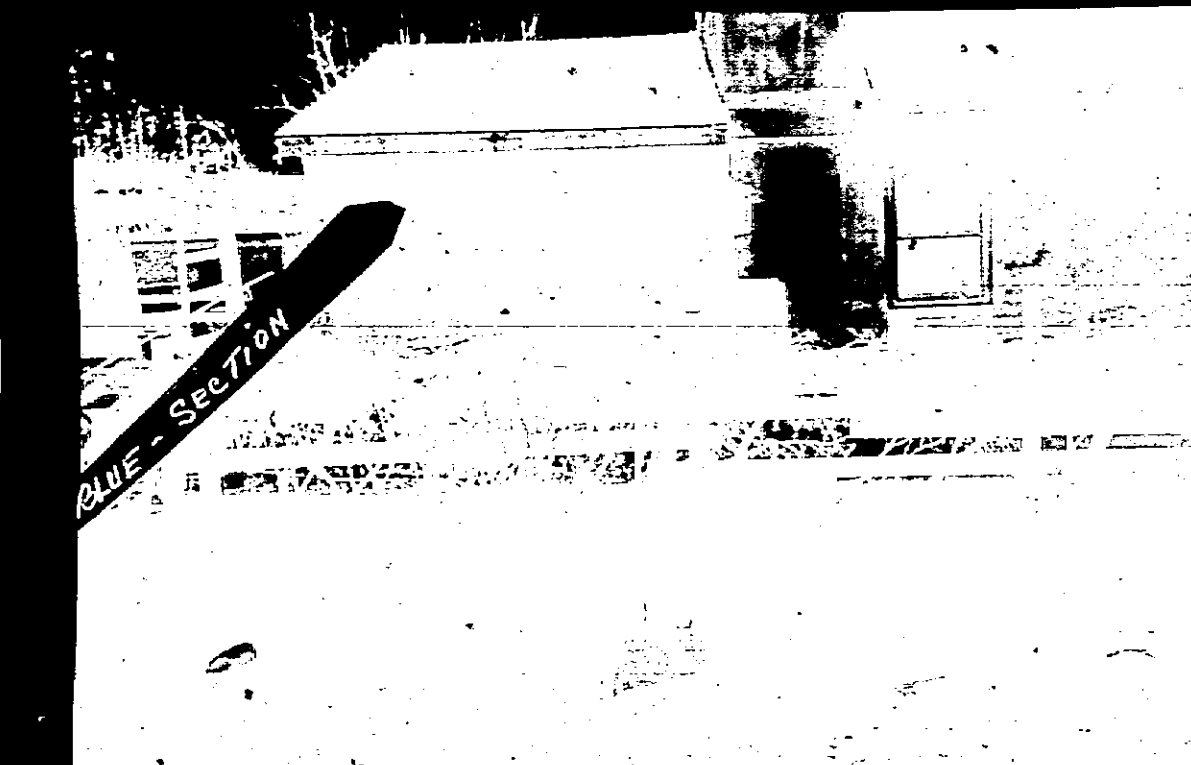
#1 Complete Top of House with dormers removed mid 80's or late '86?



#2 Original House - Block material approx. 30x32?   
 BACK END OF ONE END - SIDE OF HOUSE - 3602



#3 Windows & Chimney were front porch facing Silas Ave



#4 Blue section converted to original block dwelling late 80's or early 90's



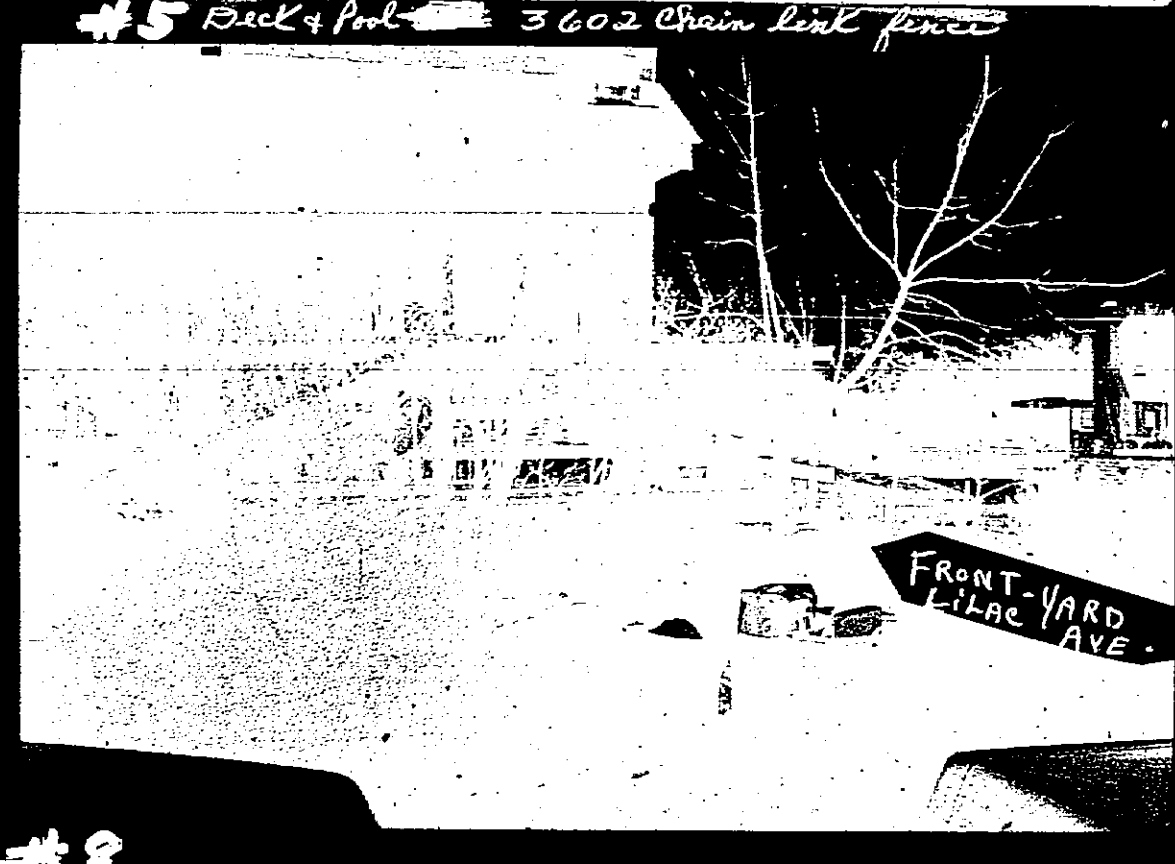
#5 Back of house - 3602 Chain link fence



#6 Pool deck - late 3602



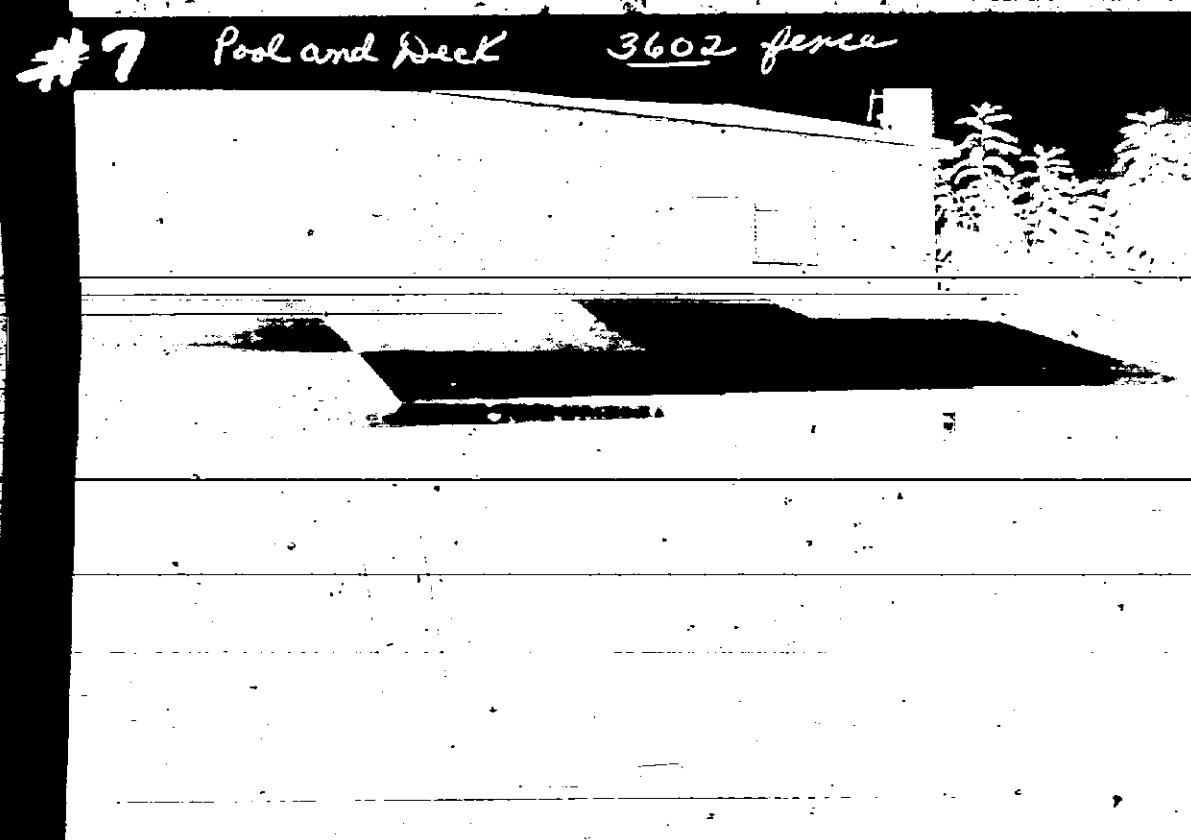
#7 Pool and Deck 3602 fence



#8



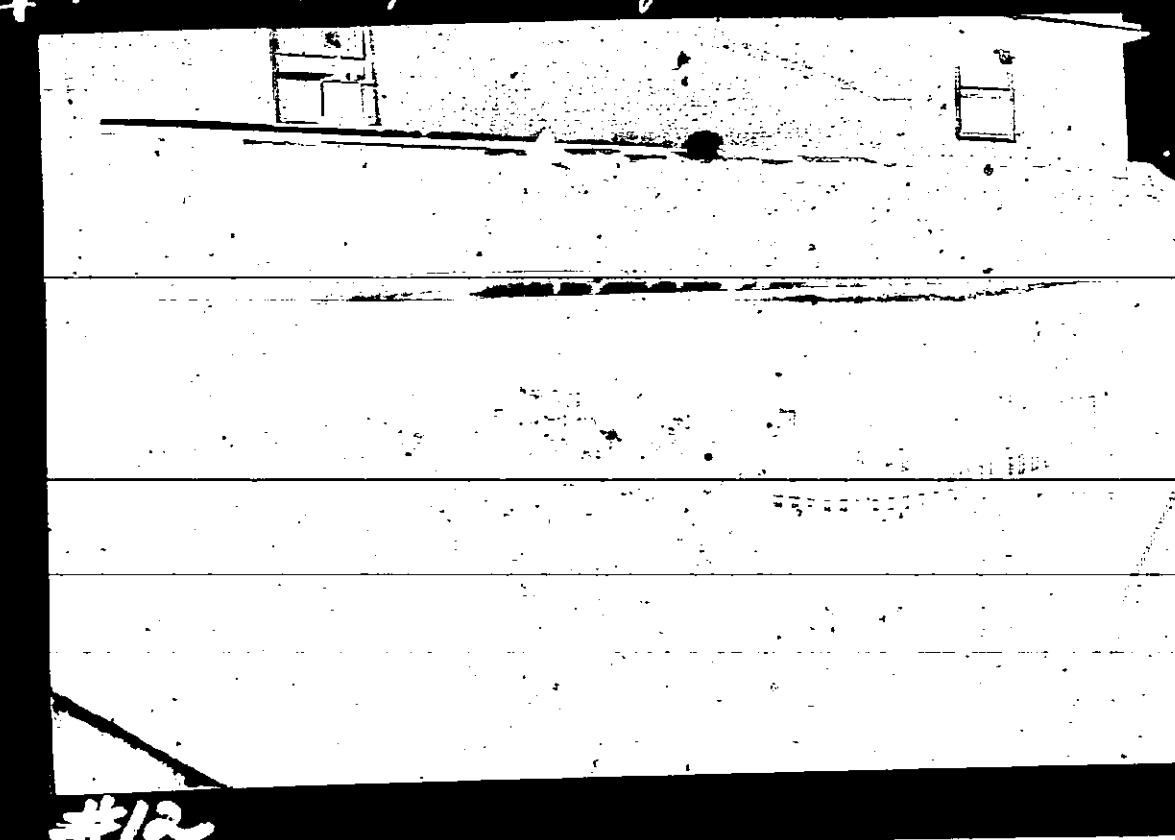
#9 New section ramp - Deck & Roof Middle Summer 93



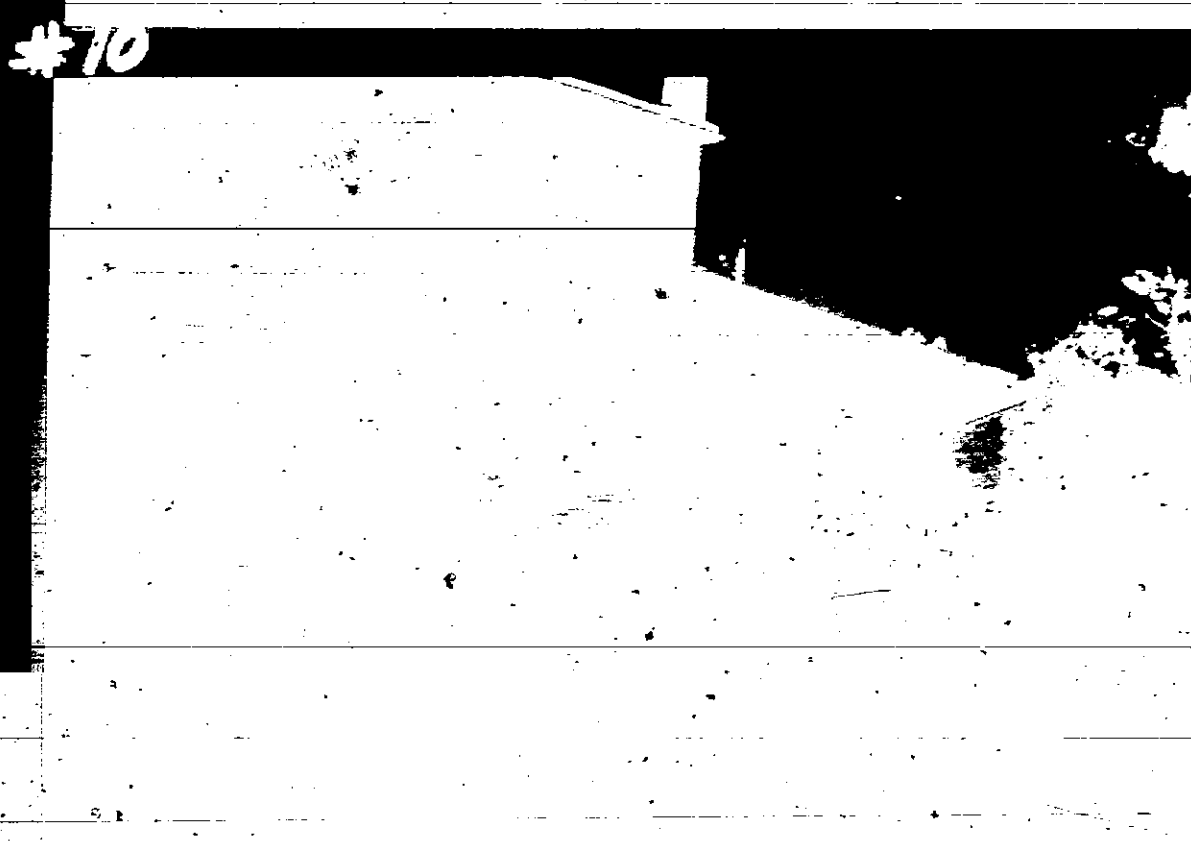
#10



#11 Spring of 94 (Mr. Funt cleaning out yard 3602)



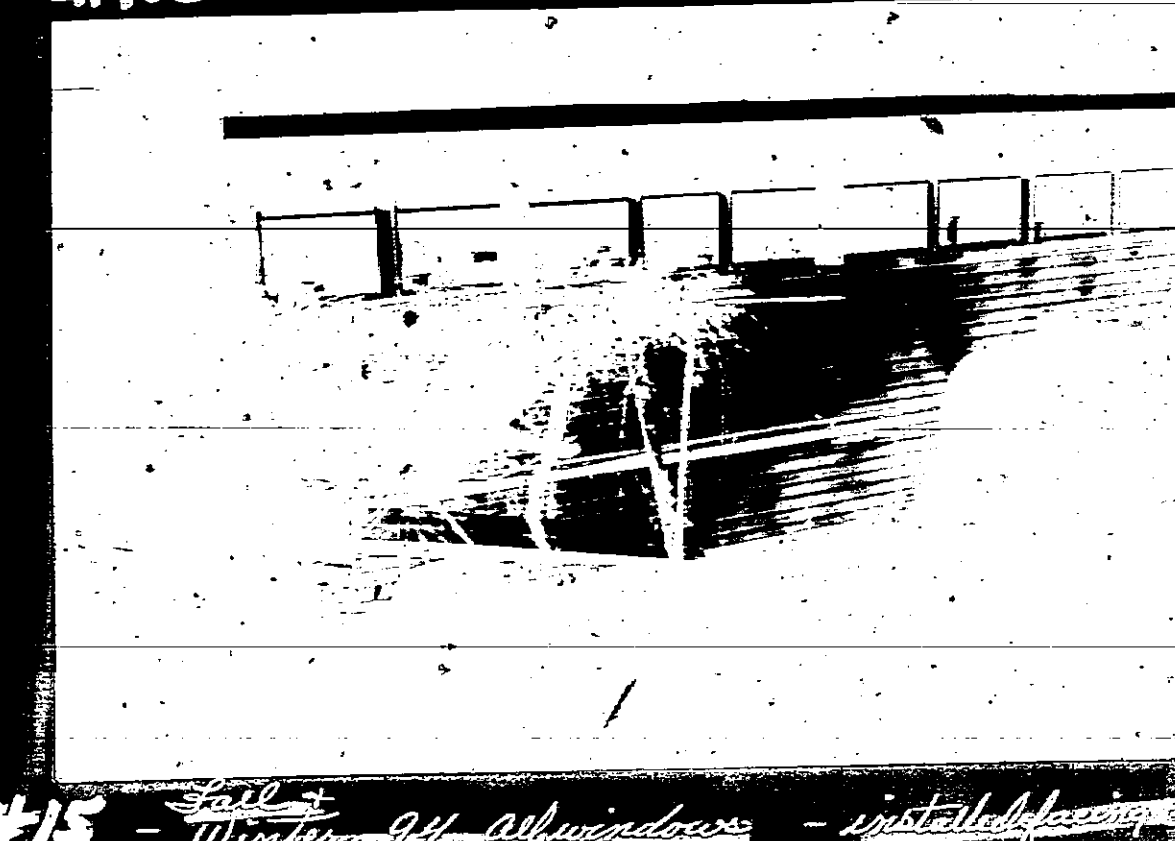
#12



#13



#14



#15

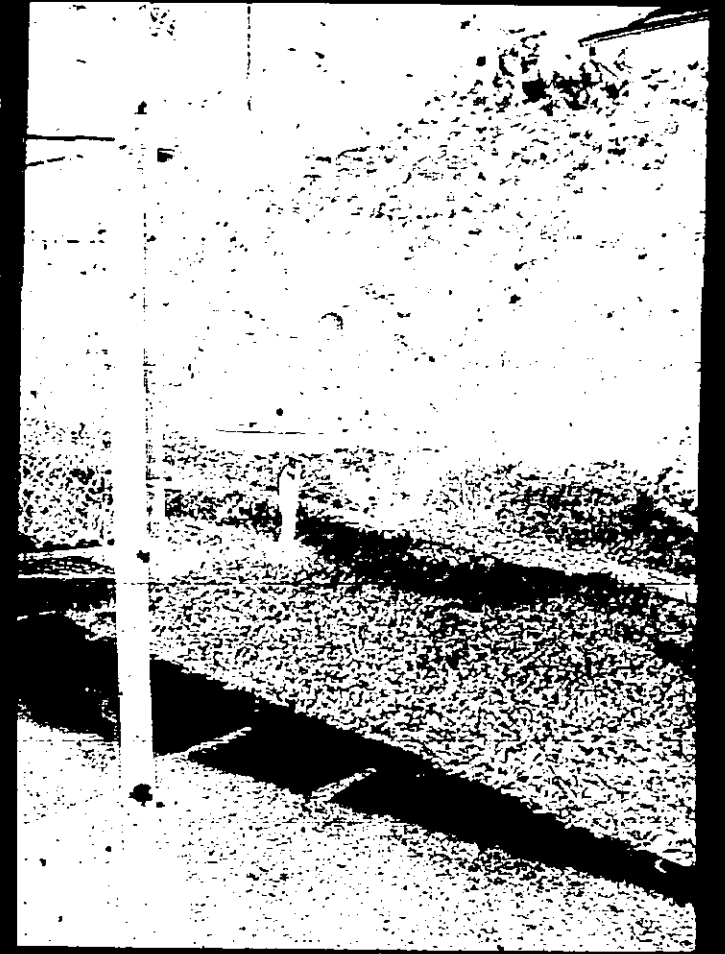


Property Marker - 3602 Fence

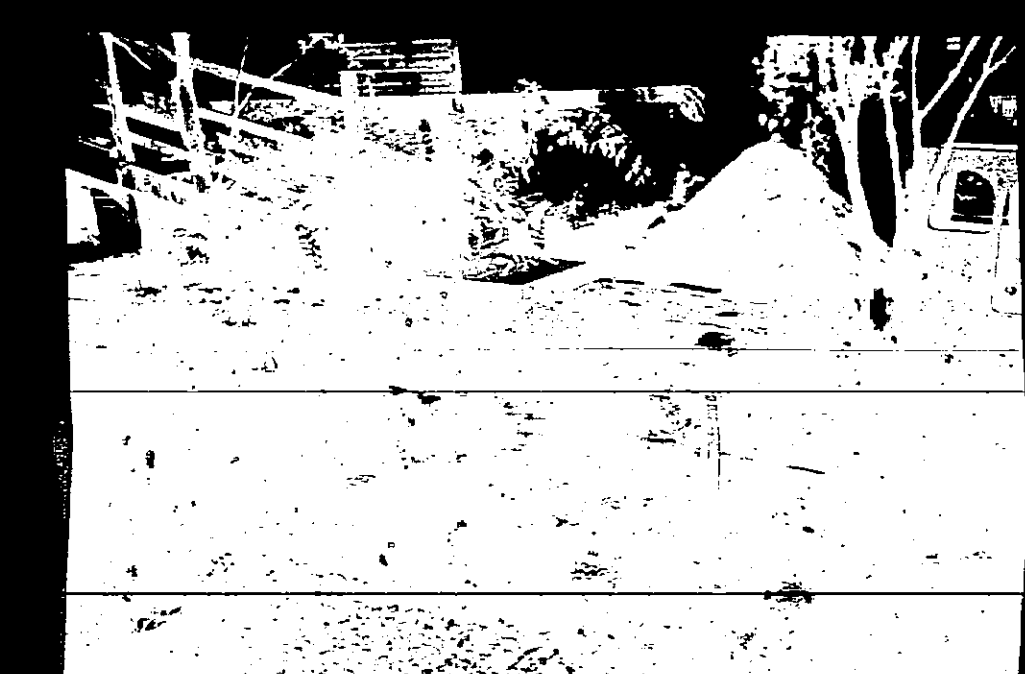


Edge of Deck - 3602 Fence

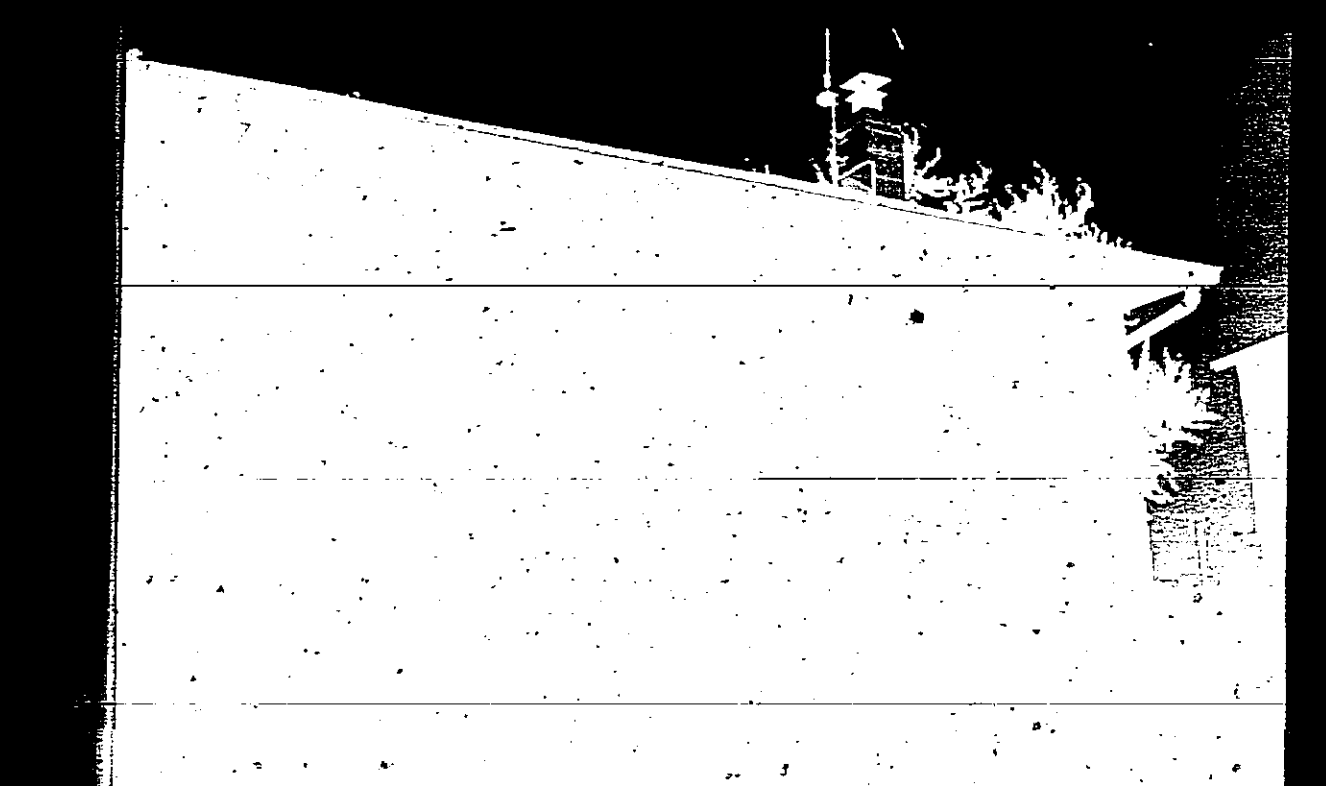
Crest 96-170A



Property Marker



Corner Marker End Silas Ave - Aug 95



Pool No 1